United Nations S/2004/644

Security Council

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Report by the Secretary-General concerning the credentials of the alternate representative of Germany on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 6 August 2004 from the Permanent Mission of Germany to the United Nations stating that Ms. Julia Gross has been appointed alternate representative of Germany on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

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Sixteenth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999)

I. Introduction

1. The present report is submitted pursuant to paragraph 14 of Security Council resolution 1284 (1999), in which the Council requested me to report every four months on the compliance by Iraq with its obligations regarding the repatriation or return of all Kuwaiti and third-country nationals or their remains. The report provides an account of developments since my last report, of 21 April 2004 (S/2004/301).[1]

II. Background

2. On 21 April 2004, my fifteenth report (S/2004/301) was presented to the Security Council. The Council members expressed their full support for the activities of the High-level Coordinator, Ambassador Yuli Vorontsov. Several members noted that Iraq would continue to have responsibilities pursuant to paragraph 14 of resolution 1284 (1999) once it reasserted its sovereignty.

3. During the reporting period, the Organization of the Islamic Conference (OIC) and Iraq's neighbours maintained under review issues pertaining to the repatriation or return of all Kuwaiti and third-country nationals or their remains. In a resolution on political issues, adopted at its thirty-first session (Istanbul, 14-16 June 2004), the Islamic Conference of Foreign Ministers reiterated condemnation of the collective assassinations of Iraqi, Kuwaiti and other nationals, revealed by the discovery of mass graves, as a crime against humanity. OIC requested that those responsible for such crimes be put on trial.

4. The Sixth Conference of the Ministers for Foreign Affairs of States Neighbouring Iraq, held in Cairo on 21 July, strongly condemned, in its final communiqué, the killing of Kuwaiti and Iranian prisoners of war and third-country nationals by the previous Iraqi regime. The Ministers also condemned the concealment of those crimes for more than a decade by the previous Iraqi regime,

[1] At the request of the Secretary-General, the Security Council on 26 May 2004 agreed to postpone until December 2004 the submission of the report pursuant to paragraph 14 of resolution 1284 (1999) on the return of all Kuwaiti property, including archives, seized by Iraq. The report was originally due in mid-June 2004.

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which they considered a violation of international humanitarian law. They called for the perpetrators of those crimes against humanity to be brought to justice.

III. Recent activities

5. On 16 April 2004, Ambassador Vorontsov had consultations in Washington, D.C., on issues pertaining to his mandate with the Deputy Assistant Secretary of State for the Near East Bureau, the Office of War Crimes Issues, and other officials. The Coordinator's interlocutors assured him of United States support and cooperation, including after the restoration of Iraq's sovereignty. Ambassador Vorontsov was informed about the intention to set up a unit at the United States Embassy in Iraq which would continue to search for prisoners of war and missing persons from the 1990/91 Gulf war, including Captain Michael Speicher as well as Kuwaiti and third-country nationals, and assist in their identification and repatriation. The unit would also liaise with the Coordinator.

6. In letters dated 16 April, 28 April, 10 May, 2 June and 19 July, the Permanent Representative of Kuwait to the United Nations advised Ambassador Vorontsov that the total number of identified remains had risen, respectively, to 101, 111, 122, 135 and, most recently, 167. The names corresponding to the latter figure are listed in the annex to the present report, where it is noted that some remains were those of citizens of Egypt, the Islamic Republic of Iran, Lebanon and Saudi Arabia.

7. From 26 to 28 July 2004, Ambassador Vorontsov travelled to Kuwait, where he was received by the Minister for Foreign Affairs, Sheikh Mohammad al-Sabah al-Salem al-Sabah, and other officials. The Minister expressed the appreciation of Kuwait for the Coordinator's efforts and valued the continued attention of the Security Council to the humanitarian issue of the repatriation or return of all Kuwaiti and third-country nationals or their remains. He also stressed the importance of the work carried out by the Tripartite Commission and its Technical Subcommittee. The Coordinator assured the Minister that he would continue to make every effort to assist in bringing to a close the issue of missing Kuwaiti and third-country nationals.

8. The Kuwaiti National Committee for Missing Persons and Prisoners of War Affairs informed the Coordinator that the work on the repatriation and identification of the remains of Kuwaiti and third-country nationals had continued. At the beginning of July, a Kuwaiti technical team had travelled to a grave site in Iraq and carried back about 50 mortal remains. With this new development, the total number of sets of human remains that Kuwait had in its possession had reached 340, of which 167 had been identified as at 19 July 2004. The corresponding files had been formally closed. The members of the Kuwaiti National Committee expressed gratitude to the multinational force in Iraq, especially United States, United Kingdom, Polish and Italian contingents, for providing security to Kuwaiti teams, including during exhumation operations at the grave sites, and other assistance.

9. Also in Kuwait, the Coordinator met with the Chairman of the War Crimes Investigation Office of the Ministry of Justice and the Kuwaiti representative to the Iraqi Special Tribunal. According to these interlocutors, Kuwait was preparing cases of war crimes and crimes against humanity allegedly committed during Iraq's invasion of Kuwait in 1990. The cases involving Kuwaiti prisoners and detainees included accusations of arbitrary arrests and detention, torture, summary executions,

extrajudicial killings, and the provision of misleading information. The cases would be presented to the Iraqi Special Tribunal.

10. When the Coordinator met representatives of the Association of the Families of Kuwaiti Prisoners and Detainees in Kuwait, he gained the impression that the relatives of the Kuwaiti missing persons had reconciled themselves to the idea that the chances of finding a missing person alive had become very slim. Nevertheless, they wanted the work of disclosing the fate of those missing to continue so that the families could find relief and move on with their lives.

11. On 28 June, Ambassador Vorontsov was received by the Vice-President of Iraq, Ibrahim al-Jaafari, who was on a visit to Kuwait at that time. This was the first contact between the High-level Coordinator and a senior Iraqi official since the restoration of Iraq's sovereignty on 28 June.

12. Ambassador Vorontsov briefly outlined his mandate and activities, and provided an update in regard to the search for and return of Kuwaiti prisoners of war. He pointed out that Iraq continued to have international obligations with regard to the repatriation or return of Kuwaiti and third-country detainees or their remains, and emphasized the importance of this humanitarian task. He called on the new Iraqi authorities to establish a special group which would follow up on the issue of the search and repatriation of Kuwaiti and third-country nationals or their remains. The Coordinator also suggested that the Interim Government of Iraq appeal to Iraqis who might have been witnesses or have information about missing Kuwaitis or their burial sites to come forward and provide that information.

13. The Vice-President stressed that the Interim Government was aware of its responsibilities and willing to assist in this humanitarian matter, which was of concern to Kuwait and the international community. The new Iraq shared the pain of the families of the Kuwaiti prisoners, as thousands of its own citizens lay in mass graves, killed by the former regime. Iraq hoped that some persons on the list of Kuwaiti and third-country nationals would still be found alive. Iraq would seek to help to search for the Kuwaiti missing, by locating grave sites that might contain mortal remains and ensuring the transfer of the latter to Kuwait.

14. The Vice-President of Iraq assured the Coordinator of the full cooperation of the Interim Government and invited him to visit Iraq, where he was promised assistance and security arrangements.

IV. Observations

15. Since the submission of my fifteenth report in mid-April 2004, the number of resolved cases has increased from 92 to 167, which reflects ongoing progress. Given that the number of mortal remains already brought to Kuwait is around 340, their positive identification will mean that in the near future about one half of the Kuwaiti and third-country prisoners and detainees will have found their final resting place.

16. This movement forward brings certainty to the relatives of those prisoners of war whose remains have been found. Nevertheless, the sad truth is that so far not a single person from the initial list of 605 Kuwaiti and third-country nationals has been found alive. I reiterate my strong condemnation of the execution of Kuwaiti and third-country nationals by the previous Iraqi regime in violation of human rights and international humanitarian law.

17. A steady process of closing files is an achievement, and tribute must certainly be paid to the Government of Kuwait for its patient and tactful handling of a very sensitive issue. The procedures followed by the Coordinator ensured that the Security Council has been properly informed of the developments. The Tripartite Commission and its Technical Subcommittee remain the most appropriate mechanisms to deal with the issue of people unaccounted for. The Coordinator will maintain close contacts with those organs.

18. I would like to reiterate my strong condemnation of the killing of Kuwaiti and third-country nationals by the previous Iraqi regime. The perpetrators of the crimes committed by the previous regime in Iraq should be prosecuted.

19. I welcome the establishment of contact between the High-level Coordinator and the Interim Government of Iraq. I have taken note of the determination of the Interim Government to cooperate with Ambassador Vorontsov and fully assist in resolving the humanitarian matters he is entrusted to deal with by Security Council resolution 1284 (1999). I am hopeful that the new Iraqi authorities will continue to increase their role in this area, which would facilitate and expedite the process of the search for and the return of all Kuwaiti and third-country nationals or their remains.

Annex

Names of Kuwaitis and third-country nationals whose remains have been identified

1. Saad Meshal Aswad Salamah al-Enezi
2. Ahmed Abdullah Abdulrasul al-Ghallaf
3. Saleh Ali Said al-Hayani
4. Enam Said Ahmad Said Ismail al-Edan
5. Abdullatif Hussein al-Waheb
6. Naser Hussein Omaran al-Enezi
7. Mahmoud Sayed Reda Sayed Hasan
8. Faihan Mohammad Laili al-Mutairi
9. Nasser Sherif Fahed al-Khaldi
10. Daad Omar al-Hariri (Lebanese)
11. Jassem Hamid Abdallah al-Samak
12. Safah Ibjad Aloush al-Mutairi
13. Lafi Faihan Mohammad Laili al-Mutairi
14. Abdul Rahman Saad Marzook al-Otaibi
15. Mohammed Gazai Saad Ali al-Mutairi
16. Farhan Harbi Saket al-Dhafiri
17. Obaid Falah Husaini al-Mutairi
18. Hamad Mohammad Ghuneim al-Ajami
19. Taleb Amin Jassem Saleh
20. Fahed Sulayman Aswad al-Enezi
21. Fahed Akil Rakan al-Zufayri (Saudi citizen residing in Kuwait)
22. Misfir Mhana Misfir al-Sharifa al-Hayani
23. Nasser Ayed Duhayran al-Oteibi
24. Mohammad Nasser Sharid al-Ajami
25. Assal Turki Kusayman al-Ajami
26. Abdallah Sulayman Abdallah al-Amir
27. Abdulaziz Yussef Abdulaziz Alyamani
28. Amer Deydan Ali al-Ajami
29. Sobhi Khalil Nousouhi Haydar (Lebanese)
30. Raja Hamud Saleh al-Sahli
31. Khaled Saleh al-Tuwaygeri

32. Adel Fahed Hamad al-Hamad
33. Fahed Khalifa Jadlan al-Mutayri
34. Salem Obeid Abdallah al-Mutayri
35. Shojah Madi Omar al-Ajami
36. Habib Saleh al-Zaqah
37. Ali Abdallah Ali al-Duwaysan
38. Maayuf Jaber Sahud al-Harbi
39. Yaccoub Yussef Bader al-Ustaz
40. Mansour Tulayhan Samar al-Mutayri
41. Hamad Humaydi Ghazi al-Otaibi
42. Mohsen Mohammad Mohsen al-Ajami
43. Rajeh Zeyab Bedah Nahar al-Mutayri
44. Mansour Faleh Nasser al-Thaqeb
45. Ahmad Mahmoud al-Hattab (Egyptian)
46. Jaber Helal Shedid al-Shemary
47. Falah Jaser Saad Guniman al-Mutayri
48. Jatly Mohammad Mejaed al-Mutayri
49. Husain Salem Faza al-Shamry
50. Khalifa Trak Suliman al-Shamry
51. Adel Faleh Satam al-Fadly
52. Adnan Mohamad Bahbahani
53. Tareq Falah Alaeban al-Shaemry
54. Hamoud Nafel Saeid al-Harshany
55. Nabil Ali Ramadan Bushehray
56. Mutlaq Ali Salman al-Adwani
57. Waleed Saad Mubarak al-Asaf
58. Abdulah Fares Ayed al-Shamry
59. Bader Nahar Mefrij al-Mutayri
60. Matar Saket Mater al-Mayai al-Anezi
61. Waleed Ayoub Ismail Bander
62. Helal Saleh Malis al-Mutayri
63. Abdulaziz Abdultalif Abdulaziz al-Kharaz
64. Mubarak Saleh Herzan Malis al-Mutayri
65. Hamoud Ebrahim Harfan al-Sahly

66. Saad Murshid Jasir al-Barazi
67. Raeid Abdulla Khalil Burashid
68. Saleh Hamoud Mansour Hamoud
69. Abdulmehdi Mehdi Ali Tahir
70. Hussam Mohammad Abdulmohsen al-Oseimi
71. Abdalla al-Oweyhan
72. Hussein Mohammad Jomah
73. Hassan Abdulmohsen al-Ali
74. Mohammad Makboul al-Otaibi
75. Ali Hassan Awad al-Azmi
76. Hamoud Nassir Baanoun el-Enezi
77. Khalaf Akil Ali al-Dhafiri
78. Saad Bashir Mubarak al-Rashidi
79. Mohammad Rashid Nabi al-Duwaila
80. Nawaf Abdulla Farraj al-Mutairi
81. Saleh Mathal Jasser al-Mutairi
82. Mohammad Ahmad Shaher al-Sharifi
83. Abdulla Deydan Kazar al-Dhafiri
84. Maged Jaber Fyhan el-Enezi
85. Tarek Mohammad el-Qahtany
86. Meshal Jazza el-Enezi
87. Fawzy Ali Ebrahim al-Mulla
88. Saleh Naser al-Khenah
89. Esam Yaccoub Saadallah
90. Meshal Yussef Ali Reda
91. Hany Ahmed al-Musilikh
92. Ahmed Ali al-Kandary (Iranian)
93. Abdulaziz Ali Mohammad Al-Khanini
94. Fauzi Ebrahim Abdullatif Al-Abed Al-Jalil
95. Mohammad Naeif Muthri Al-Shamry
96. Jamal Mubarak Muwanas Al-Muwanas
97. Salah Jassem Mandani Qassem Ghullam
98. Abdullah Shafi Hafiz Al-Shagban Al-Ajami
99. Qadir Abdulrahman Jassem Mustafa

100. Ismail Ebrahim Mohammad A. Al-Kandary
101. Yacoub Hussein Ali Akbar
102. Mohammad Ali Saleh Al-Zaqah
103. Ahmad Abdulla Mustafa Hadi
104. Waleed Feiruz Yaqout Al-Manea
105. Mohammad Ahmad Mohammad Al-Rashed
106. Saoud Abdulaziz Furaih Al-Kouh
107. Khaled Abdulaziz Furaih Al-Kouh
108. Ali Mohammad Ali Salem
109. Adnan Feiruz Yacout Al-Manea
110. Fahed Ali Kamikh Al-Dehani
111. Hani Feiruz Yacout Al-Manea
112. Mohammad Mutlaq Rumeih Al-Bathali
113. Hamad Muajeb Saad Al-Ajmi
114. Mutlaq Abdallah Mutlaq Al-Hajr Al-Mutairi
115. Zakaria Abdulqader Mohammad Al-Qaderi
116. Ahmad Saleh Aboud Al-Enezi
117. Ajmi Awajah Rashid Al-Rashidi
118. Shaker Abdallah Mohammad Al-Jedi
119. Nabil Mohammad Hassan Al-Sharaf
120. Hamoud Marzook Thamer Al-Fadly
121. Khaled Hussein Aoun Al-Atiyah
122. Maysam Rawdan Adnan Jodah Al-Shamry
123. Mohammad Hamoud Ayed Al-Aqail
124. Mohammad Jassem Khalf Al-Thanian
125. Mohammad Marzook Mohammad Al-Marzook
126. Mutlaq Abdul Rahman Motlaq Al-Khaldi
127. Housain Mohammad Hosain Adab
128. Talal Hadi Al-Otaibi
129. Khaled Nasser Fahd Al-Ajami
130. Abdul Razzaq Abdullah Mubarak Al-Fawzan
131. Ali Husain Naser Allah Boshahryary (Iranian)
132. Saoud Manea Mohammad Tahous
133. Khaled Ahmed Mohammad Al-Rashed

134. Hamoud Muhareb Ali Al-Shamry
135. Abdullah Fahm Moatesh Al-Mutairi
136. Srour Falah Srour Al-Rashaidi
137. Abdallah Wali Hizam Al-Shamry (non-Kuwaiti)
138. Nasser Fahed Mohammad Al-Ajami
139. Fahed Wali Hizam Al-Shamry (non-Kuwaiti)
140. Mohammad Faleh Abboud Al-Enezi
141. Faisal Ghali Ashwi Al-Dhafiri
142. Nasser Ali Nasser Al-Ajami
143. Nawaf Hamad Hussein Al-Ajami
144. Khaled Nasser Khaled Al-Subaii
145. Alnouri Khalaf Kuwayan Al-Dhafiri (Saudi)
146. Mansour Awad Mansour Al-Ajami
147. Fahed Alhailam Musmar Al-Dhafiri
148. Jamal Abbas Ghaloum Hussein
149. Abdulkarim Ali Khaled Mohammad
150. Mousa Ebrahim Suleiman Al-Khalifi
151. Abdulaziz Ebrahim S. Al-Badyawi (Saudi)
152. Abdulrazaq Dakhil Abdulrazaq Al-Tawalah
153. Hamad Mubarak Salem Al-Hajri
154. Khaled Ahmad Mubarak Al-Sharhan
155. Mohammad Serhan Aswad El-Enezi
156. Fahed Bashir Mubarak Al-Rashidi
157. Ahmad Abdulla Ahmad Al-Kandari
158. Dhafer Abdulhadi Dhafer Al-Rashidi
159. Hamdan Hamoud Ghazi Al-Otaibi
160. Mansour Faleh Nasser Al-Ajmi
161. Salah Ali Murshid Al-Rashidi
162. Meshal Obeid Hamdan Al-Otaibi
163. Hamoud Mohwis Saoud Al-Saidi
164. Mohammad Nasser Hazzah Al-Otaibi
165. Abdullah Salem Salem Gheith
166. Fahed Mohammad Abdulla Al-Khalidi
167. Faisal Zaidan Suleiman Al-Ajeel

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General Assembly
Security Council

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General Assembly
Fifty-eighth session
Agenda item 30
Question of Cyprus

Security Council
Fifty-ninth year

Letter dated 12 August 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I would like to bring to your attention the recent intensification of activities related to the illegal exploitation of Greek Cypriot properties in the Turkish occupied area of the Republic of Cyprus, through, inter alia, the systematic construction of homes, villas and hotels on Greek Cypriot-owned land and/or the sale of Greek Cypriot property to foreigners, and to express our strong concern over the unfavourable repercussions that such actions may have on efforts to find a just and viable solution to the Cyprus problem.

In fact, these actions further complicate the sensitive issue of property rights and have the potential, if not stopped, of creating a new fait accompli in the de facto division of the island, which was imposed upon Cyprus through the use of military force and sustained by the Turkish occupation army since 1974, in flagrant violation of relevant Security Council resolutions. Furthermore, they undermine continuing efforts towards reconciliation and mutual trust between the two communities.

It should be noted that these actions constitute a violation of relevant decisions of the European Court of Human Rights and blatantly demonstrate disrespect towards an independent and internationally recognized judicial body. In fact, the case of the violation of the human rights of Greek Cypriots by Turkey, in general, and of their property rights, in particular, were brought before the European Court of Human Rights, and in the four cases in which the Court issued a ruling (namely, the *Loizidou v. Turkey* judgement (1996, 1998), the *Michaelidou Developments Ltd. and Tymvios v. Turkey* judgement (2003), the *Demades v. Turkey* judgement (2003) and the *Cyprus v. Turkey* judgement (2001)), it found that Turkey was violating the fundamental right to property of the Greek Cypriot legal owners.[1]

The aforementioned judgements of the European Court of Human Rights clearly established that the administrative practice carried out by the local administration in the occupied area of Cyprus, which is subordinate to Turkey, of issuing "title deeds" to new occupants of properties belonging to Greek Cypriots is based on the so-called "legislative" and "constitutional" provisions of the said

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administration, which in no case whatsoever can be attributed any legal validity. The European Court of Human Rights concluded that Greek Cypriot owners could not be deemed to have lost their property and that they had always remained and would continue to remain the only true and lawful owners of their properties in the occupied area of Cyprus.

Taking into account the true legal position in the matter of Greek Cypriot property rights, as upheld by the European Court of Human Rights, in conjunction with the belated compliance of Turkey with the judgement of the Court in the *Loizidou v. Turkey* case, which implies the acceptance of the ruling of the court, namely, that Mrs. Loizidou and all other dispossessed owners, for that matter, were still "... the legal owner(s) of the land" and that Turkey "actually exercises detailed control over the policies and actions of the authorities of the 'TRNC' [Turkish Republic of Northern Cyprus] ... [and] that her army exercises effective overall control over that part of the island", once can rightfully question the meaning and the final political aims and objectives, as well as the political repercussions, of the current increase in the illegal exploitation of Greek Cypriot properties in the Turkish-occupied area of Cyprus.

It should also be noted that even the frequently presented excuse, or pretext, that these actions and transactions are of a private nature and allegedly fall outside the scope of international obligations, as defined by international law and jurisprudence, is easily rebuffed, as the responsibility and obligations of Turkey in the matter of Greek Cypriot property rights in the occupied area of Cyprus were clearly reaffirmed by the relevant rulings of the European Court of Human Rights.

Moreover, it should be pointed out — especially since the current phenomenon of escalating exploitation of Greek Cypriot-owned properties in the occupied area of Cyprus is related, inter alia, to the selling of properties to citizens of third countries — that the only authority in Cyprus to execute any act in the field of property rights transfer is the Government of the Republic of Cyprus. Therefore, entering into a "deal" for the purchase of immovable property belonging to Greek Cypriots situated in the area of Cyprus under Turkish military occupation constitutes an illegal act which could expose the "buyer" to grave legal and financial consequences. In fact, such "buyers" who essentially "purchase" property which does not belong to the "seller" run the risk of being sued at any time by the Greek Cypriot rightful owners, either before the courts of the Republic of Cyprus or before competent national courts abroad for trespass or conspiracy to commit trespass.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 30, and of the Security Council.

(*Signed*) Andreas **Hadjichrysanthou**
Chargé d'affaires a.i.

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Security Council
Fifty-ninth year

Review of the implementation of the Declaration on the Strengthening of International Security

Measures to eliminate international terrorism

Identical letters dated 12 August 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General and President of the Security Council

I am writing in order to draw your attention to the latest terrorist attacks perpetrated against the citizens of Israel.

On 11 August 2004, Palestinian terrorists detonated a bag containing explosives and packed with metal shards at the Qalandiyah checkpoint at the northern entrance to Jerusalem. The terrorists travelled by car from Jenin southward all the way towards Jerusalem, likely stymied in their attempts to enter Israel further north because of the security fence. Six Israeli soldiers and twelve Palestinian civilians were wounded in the blast and two Palestinian bystanders were killed. Later, Yasser Arafat's own Al Aqsa Martyrs' Brigade proudly claimed responsibility for this act of violence and murder.

Meanwhile, rocket attacks continue to be regularly launched from the Gaza Strip against Israeli civilians, as described yesterday in the briefing to the Security Council. In the last month alone, more than 60 rockets have been launched from Beit Hanoun at Israeli communities near the Gaza Strip, causing injury and property damage. These rocket attacks, like other acts of Palestinian terror, are employed with the specific intent of killing and injuring as many civilians as possible.

This continued Palestinian use of terrorism, with the support and toleration of the Palestinian leadership, is not just an ongoing and egregious violation of basic international norms, signed commitments and the explicit terms of the Road Map. It is the enemy of peace in the region, and endangers the lives of both Israelis and Palestinians.

The firing of rockets from civilian areas in Beit Hanoun is a grave violation of international humanitarian law not only because it targets innocent Israeli civilians.

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Palestinian residents' lives are also put at risk, and held hostage, by the continued and despicable tactic adopted by Palestinian terrorists by which innocent Palestinians are used as human shields and civilian areas are used as staging grounds for terrorist atrocities in direct violation of the most basic human rights and humanitarian norms. In one recent grave incident, on 22 July 2004, a 15-year-old Palestinian boy, Hassan Jameel Al-Zaanin was killed in cold blood by Fatah Al Aqsa Martyr's Brigade terrorists when he tried to stop them from launching a Qassam rocket attack near his family home.

In the latest letter submitted to the President of the Security Council by the Palestinian Observer, dated 9 August 2004 (A/ES-10/276-S/2004/630), the death of Hassan Jameel Al-Zaanin was described as though he was killed by Israeli forces, a disingenuous absurdity. Of course, the fact that this letter presents so blatantly false an allegation should come as no surprise. The international community is very familiar with the perverse misrepresentations and outright fabrications in Palestinian statements that include referring to murderers as "martyrs", to armed terrorists as though they were innocent civilians and to the innocent victims of Palestinian terrorism as though they were non-existent. This is part of a well-known pattern of letters that ignore Palestinian responsibilities and Israeli rights and fail to recognize the excruciating difficulties faced by Israeli forces in trying to protect their citizens — and minimize harm to Palestinian civilians, who are tragically caught in the crossfire — when the terrorists they confront show as little concern in their tactics for Palestinian lives as they do for Israeli ones.

This letter and the countless before it are simply inconsistent both with the reality on the ground and with the path of mutual rights and obligations laid out in the Road Map. Sadly, however, the letter is consistent with the Palestinian leadership's refusal to take any responsibility for the pain and suffering that they have inflicted on their own people and the Israeli people, as was also demonstrated in yesterday's terror attack in Jerusalem. Israel calls upon the international community to reaffirm its absolute rejection of terrorist tactics, to accept nothing less than the complete dismantling of terrorist organizations and to use its authority to compel all regimes that sponsor terrorism in the region to fulfil their responsibilities in accordance with international law and Security Council resolutions, in particular resolution 1373 (2001), and the Road Map, so that both parties can finally move forward towards peace and reconciliation.

I submit the present letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000, which document the criminal terrorist activity for which the terrorists and their supporters must be held fully accountable. I am submitting an identical letter to the President of the Security Council.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-eighth session of the General Assembly, under agenda items 156 and 67, and of the Security Council.

(*Signed*) Arye **Mekel**
Ambassador
Deputy Permanent Representative

United Nations S/2004/648

Security Council

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16 August 2004

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Draft resolution

The Security Council,

Reaffirming its previous resolutions and the statements of its President concerning the situation in Somalia, in particular resolution 733 (1992) of 23 January 1992, which established an embargo on all delivery of weapons and military equipment to Somalia (hereinafter referred to as the "arms embargo"), and resolution 1519 (2003) of 16 December 2003,

Reiterating its firm support for the Somali National Reconciliation Process and the ongoing Somali National Reconciliation Conference under the sponsorship of the Intergovernmental Authority on Development, and *reaffirming* the importance of the sovereignty, territorial integrity, political independence and unity of Somalia,

Condemning the continued flow of weapons and ammunition supplies to and through Somalia, in contravention of the arms embargo, and expressing its determination that violators should be held accountable,

Reiterating the importance of enhancing the monitoring of the arms embargo in Somalia through persistent and vigilant investigation into the violations, bearing in mind that the Somali National Reconciliation Process and the implementation of the arms embargo serve as mutually reinforcing processes,

Determining that the situation in Somalia constitutes a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Stresses* the obligation of all States to comply fully with the measures imposed by resolution 733 (1992);

2. *Takes note of* the report of the Monitoring Group dated 11 August 2004 (S/2004/604) submitted pursuant to paragraph 6 of resolution 1519 (2003), and the observations and recommendations contained therein, and *expresses* its intention to give them due consideration in order to improve compliance with the measures imposed by resolution 733 (1992);

3. *Requests* the Secretary-General, in consultation with the Committee established pursuant to resolution 751 (1992) of 24 April 1992 (hereinafter referred to as "the Committee"), to re-establish, within thirty days from the date of the adoption of this resolution, and for a period of six months, the Monitoring Group as referred to in paragraph 2 of resolution 1519 (2003), with the following mandate:

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(a) To continue the tasks outlined in paragraph 2 (a)-(d) of resolution 1519 (2003);

(b) To continue refining and updating information on the draft list of those who continue to violate the arms embargo inside and outside Somalia, and their active supporters, for possible future measures by the Council, and to present such information to the Committee as and when the Committee deems appropriate;

(c) To continue making recommendations based on its investigations, on the previous reports of the Panel of Experts (S/2003/223 and S/2003/1035) appointed pursuant to resolutions 1425 (2002) of 22 July 2002 and 1474 (2003) of 8 April 2003, and on the Monitoring Group's first report (S/2004/604);

(d) To work closely with the Committee on specific recommendations for additional measures to improve overall compliance with the arms embargo;

(e) To provide to the Council, through the Committee, a midterm report and a final report covering all the tasks set out above;

4. *Further requests* the Secretary-General to make the necessary financial arrangements to support the work of the Monitoring Group;

5. *Reaffirms* the need for implementation of the actions set out in paragraphs 4, 5, 7, 8 and 10 of resolution 1519 (2003);

6. *Expects* the Committee, in accordance with its mandate, to recommend to the Council appropriate measures in response to violations of the arms embargo, by considering and developing, in close consultation with the Monitoring Group, specific proposals to improve compliance with the arms embargo;

7. *Decides* to remain actively seized of the matter.

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Security Council

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Letter dated 13 August 2004 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 1 to 30 May 2004 (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-46083 (E) 170804

Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. Over the reporting period (1-30 May 2004), the total number of troops in theatre was 18,489, which includes 3,357 troops from non-NATO countries.

2. There was no change to the status of partner/non-NATO country contributions.

Security

3. The general situation in Kosovo remains relatively calm but with an underlying tension that will continue for the foreseeable future.

4. The number of violent intra- and inter-ethnic events was lower than in April 2004 and continues to decrease since the Kosovo-wide riots in March 2004. A total of seven incidents of inter-ethnic violence were reported in May 2004.

5. The threat against KFO remained relatively low throughout the month.

6. On 12 May 2004, a Kosovo Police Service officer, Illir Llapatinca, was killed in Bukos after he was involved in a domestic dispute.

7. KFOR continues operations to secure the theatre and to pre-empt or quickly respond to ethnic violence and protect patrimonial sites.

Compliance by the Army of Serbia and Montenegro and the Ministry of Internal Affairs Special Forces

8. No breaches of the Military Technical Agreement were reported during May 2004.

Kosovo Protection Corps

9. The current membership of the Kosovo Protection Corps is 2,991 active members, including 131 minorities, of which 31 are Serbs. The reserve personnel establishment list includes 1,728 members, of which 22 are minorities. These statistics show a low rate of minorities in KPC. During May 2004, roll calls were conducted in 25 KPC units. The number of individuals on sick leave, or other, is at an acceptable level of 18 per cent.

10. The KPC training and doctrine facility in Djakovica was inaugurated and started with a course for non-commissioned officers early in May 2004.

11. On 18 May 2004, the Deputy Special Representative of the Secretary-General decided to lift the suspension of 12 KPC members and reinstated them with all rights and privileges. Those high-ranking KPC members were suspended in December 2003 pending investigations into information linking them to criminal activities. No substantive evidentiary basis was established for criminal prosecution.

Conclusion

12. On the surface, the overall situation within Kosovo continues to gradually improve. However the situation remains unstable. The threat of inter-ethnic violence and attacks against the international community still exists. The ongoing efforts by KFOR to interdict smuggling activities, particularly of weapons, continue.

United Nations S/2004/650

Security Council

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Third special report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1555 (2004) of 29 July 2004, by which the Council extended the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) until 1 October 2004, and requested me to submit a report before 16 August on the execution of its mandate. The present report covers major political and military developments since my report of 25 March 2004 (S/2004/251); it reviews the implementation of the mandate of MONUC pursuant to Security Council resolution 1493 (2003) of 28 July 2003; and it contains recommendations on the future structure and mandate of the Mission. An update on other aspects of the Mission's activities is contained in the annex to the report.

II. Political and military developments

2. The reporting period witnessed a series of events that represented the most serious challenge to date to the 13-month-old transition in the Democratic Republic of the Congo. Those events took place after months of deadlock on outstanding key issues, including the establishment of the Supreme Defence Council, the promulgation of the defence and armed forces law, the adoption of the nationality and amnesty laws and the post-transitional constitution. Without any assurance of what to expect from the post-transitional phase, the atmosphere of mistrust among the parties has grown and the lack of political will of some influential players to implement the transitional agenda remains a serious hindrance to progress.

Legislative process and preparation for the elections

3. The items on the legislative agenda that are at the core of the transitional process include a package of electoral laws, the post-transitional constitution and laws on amnesty, nationality and defence and armed forces. Once those laws are adopted by both chambers of Parliament they must be promulgated by the President.

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4. The nationality law and the amnesty law are on the agenda of the current session of Parliament, which will end in mid-September, and are under consideration by the two chambers of Parliament. With regard to the nationality law, while the Transitional Constitution of April 2003 states that all groups and nationalities present in the Democratic Republic of the Congo at independence in 1960 are eligible for Congolese citizenship, the criteria for citizenship have been reopened in the current debate on the law. The amnesty law is linked to the integration of the military and disarmament, demobilization and reintegration, as military leaders who fear prosecution are likely to resist being demobilized. Discussion on the law will have to strike a balance between the need to advance military reform, on the one hand, and to end the culture of impunity, on the other.

5. On 28 June, the National Assembly adopted the draft law on the general organization of the defence and armed forces, under which the forces to be integrated into the military would be determined, after a compromise was reached on deferring discussion on the size and status of the Presidential Guard to a later date. The Senate is now considering the draft law, while the Supreme Court is also expected to give its opinion on it before it is submitted to the President for promulgation.

Preparation for the elections

6. Given the size of the Democratic Republic of the Congo, its population of over 50 million and the absence of basic infrastructure, the holding of national elections will pose a number of challenges. In accordance with the Transitional Constitution, the electoral process is to include a referendum on the post-transitional constitution and legislative elections and will culminate in presidential elections in July 2005. This will require the passage of a package of legislation, including a law establishing an independent electoral commission, an electoral law on the eligibility of voters and candidates, a law on the registration of voters and a law on the referendum. The post-transitional constitution would also need to be drafted by the Senate and adopted by the National Assembly before it is put to a national referendum.

7. On 5 June, President Joseph Kabila promulgated the organic law on the establishment of the Independent Electoral Commission, after considerable discussion by civil society, the political parties, the Parliament and Supreme Court regarding its structure and composition. The Independent Electoral Commission has since adopted a provisional timetable for electoral operations and established a National Voter Registration Subcommittee and an inter-institutional consultation mechanism.

8. While the law on the registration of voters is being prepared by the Ministries of Planning and of the Interior, work on the electoral law cannot begin until there is agreement on the type of political system and constitutional principles to be adopted. The Independent Electoral Commission has also not yet commenced work on the referendum law.

9. In late June, the Senate finished drafting the general provisions of the constitution and prepared questionnaires for public consultation on four fundamental issues in that regard: the form of the State, the political regime, the name of the State and territorial delimitation. However, the process has not progressed further because of financial and technical constraints. A seminar

scheduled for mid-August with the participation of international experts will seek to determine the next steps in this regard.

10. The Independent Electoral Commission has begun preparations for the registration of an estimated 28 million potential voters. It estimates that this will require the establishment of some 10,000 registration centres and the recruitment and training of 40,000 registration officers. It also estimates that the constitutional referendum, followed by the local, parliamentary and presidential elections, will require 40,000 polling stations and the recruitment and training of 200,000 polling officers.

11. The Independent Electoral Commission has prepared an estimated electoral budget of some $285 million, which was adopted in May 2004. However, the budget does not include all aspects of logistical support or a civic education campaign, mainly because of the lack of expertise within the Commission to assess such needs. It also does not reflect the electoral modalities, a decision on which is pending the adoption of the electoral law, which will determine the electoral system to be used. In the meantime, on 4 June, MONUC, in cooperation with the European Union, organized a donors' meeting at which $130 million was pledged to fund the elections. At the meeting, donors also agreed on a "basket funding" system (a mixture of "cost-sharing" and "trust funds") to finance the elections, to be managed by the United Nations Development Programme (UNDP).

Extension of state authority

12. State administration is weak or absent in many parts of the Democratic Republic of the Congo, where parallel administrations established by armed groups, including of the former belligerent components of the Transitional Government, maintain control. Some progress towards the extension of state authority was achieved during the reporting period with the appointment on 15 May of provincial governors and vice-governors, who have since taken up their duties in the 11 provinces. On 13 July, the Ituri District Administration was also installed in Bunia, replacing the Ituri Interim Administration that has been in place since April 2003.

13. Little progress has been made in the reunification of local, parallel administrative structures. In that connection, the provincial administrators appointed by the Transitional Government do not have the financial resources necessary to effectively extend state authority and to provide basic services to the population. In addition, armed militias, which seek to maintain illegitimate control over natural resources, continue to resist efforts to establish legitimate administrations. The extension of state administration is also impeded by the continued presence of foreign armed groups in the eastern part of the country, who control a number of areas in the region.

Security sector reform and disarmament, demobilization and reintegration

Military integration

14. The lack of progress on military integration proved to be a significant destabilizing factor during the reporting period. Despite the deployment of military regional commanders in the third quarter of 2003 whose task it was to integrate the existing forces into the Forces armées de la République démocratique du Congo (FARDC), the armed forces in the Democratic Republic of the Congo are still far from having been truly integrated. With the exception of one integrated brigade that was trained in peace support operations by a Belgian-led team from January to June 2004, military regional commanders have little control over the armed elements under their command. Moreover, as noted above, the former belligerent components of the Transitional Government continue to control their factions through parallel chains of command. The poor command and control structure of the FARDC and the lack of regular support and payment of salaries to its forces contribute to indiscipline among its ranks, which depend on the local population for their sustenance.

15. The situation will not be resolved until the components of the Transitional Government reach the agreements necessary to address the challenges related to the integration of the armed forces into national military structures. In that connection, the Transitional Government must establish the Supreme Defence Council, without delay, as it is the body that, in accordance with the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo, should oversee military integration and serve as the forum for political discussion on these vital issues.

16. In the meantime, in January 2004, following a two-week seminar on the integration and restructuring of the FARDC, co-organized by the general staff of the Belgian and Democratic Republic of the Congo defence headquarters, a general framework for military integration was developed. While this is a welcome step, considerable political and technical work remains in order to develop an implementable plan that can be endorsed by all the components of the Transitional Government and have the support of the donor community necessary to assist with its implementation. Without such a plan, the military reform process cannot begin.

Coordination of security sector reform

17. In view of the continued delays in security sector reform, the Deputy Secretary-General convened a meeting with international partners meeting on 29 June, as follow-up to the 9 February meeting on security sector reform held in New York, in order to review progress and identify and coordinate bilateral efforts in that regard. The donors reiterated their commitment to support a well-designed plan endorsed by all the components of the Transitional Government. They also underscored the importance of advancing disarmament, demobilization and reintegration within the framework of security sector reform. It was agreed that MONUC would revive its efforts to establish a consortium of Member States that could assist the Congolese in the development of an overall plan for military reform.

18. Following the meeting, MONUC established a security sector reform planning and coordination structure consisting of a steering committee of potential donors; a technical advisory group, to be composed of experts on security sector reform seconded from Member States and international bodies; as well as a secretariat, to be provided by MONUC. The first meeting of the Security Sector Reform Coordination Committee was held on 13 July. At that meeting, members of the Committee agreed on their terms of reference, which include: (a) reviewing the formulation of policy on security sector reform; (b) tracking progress in security sector reform; (c) identifying possible sources of support for training, equipment and other needs; and (d) advising and assisting the Transitional Government in carrying out security sector reform activities. The members also agreed to second specialists to the technical advisory group. To date, the Government of the United Kingdom of Great Britain and Northern Ireland has put forward a candidate, while other Member States have indicated interest. The early identification and deployment of such experts will be crucial to the success of international efforts to assist the process of security sector reform in the Democratic Republic of the Congo. Discussion on the further development and refinement of this planning and coordination process is contained in paragraph 62 below on the future mandate of MONUC.

National disarmament, demobilization and reintegration

19. On 25 May, the World Bank approved a $100 million grant in support of the national demobilization and reintegration programme, further to the $100 million grant from the Multi-Country Demobilization and Reintegration Programme Trust Fund, which was approved by donors on 12 May. The National Commission for Disarmament, Demobilization and Reintegration, which is responsible for the implementation of the national programme, is finalizing the steps necessary to meet the conditions for the financial management of these grants. In recognizing the need to link the national disarmament, demobilization and reintegration programme and the military integration process, the Ministry of Defence developed an approach known as the *tronc Commun*, in an effort to incorporate the activities common to military integration and disarmament, demobilization and reintegration, in particular in the areas of awareness-raising, registration, identification and orientation.

20. It is envisaged that disarmament will take place where the Congolese formed units are located or at locations close to the 11 static orientation centres (3 sites in Kinshasa; and sites in Kimbinga, Basankusu, Kisangani, Rumangabo, Shabunda, Kananga, Kamina and Lubumbashi) or through one of the 7 mobile orientation centres. Combatants who have given up their military status would then proceed to orientation centres.

21. At the orientation centres, those elements would be registered and briefed on demobilization and the eligibility criteria for joining the integrated military structures. Those who choose to remain in the military structures will be taken to one of the six *centres de brassage* for further screening, where a decision will be taken as to their future assignments.

22. While the funding associated with demobilization and reintegration will be covered by the Multi-Country Demobilization and Reintegration Programme, work still remains to finalize the operational plans necessary to implement those aspects of disarmament, demobilization and reintegration. In addition, a number of aspects

related to the "front" and "back" ends of demobilization have not been clarified. In particular, the operational details such as the timing and modalities for disarmament remain outstanding. With regard to the "back" end, the operational plans and funding for the creation of new, integrated military structures, including establishment and operation of the *centres de brassage*, on the one hand, and the mechanics for ensuring reintegration of the ex-combatants to be demobilized, on the other, also need to be further clarified.

23. Pending the implementation of the national disarmament, demobilization and reintegration programme, in response to an urgent need generated by the assembling of Mayi-Mayi soldiers in the provinces of Maniema and North and South Kivu, a joint MONUC/UNDP/Government of the Democratic Republic of the Congo disarmament, demobilization and reintegration operation was carried out in April and May 2004. Some 535 combatants were disarmed and subsequently 498 were registered in Kindu. A network of local non-governmental organizations has distributed food assistance and conducted awareness-raising sessions focusing on peace and reconciliation and the United Nations Children's Fund (UNICEF) has provided support for the children associated with those forces.

Congolese national police

24. Despite continued difficulties in other aspects of security sector reform, some progress was achieved during the reporting period towards the long-stalled integration of the Congolese police forces, which are estimated to comprise some 70,000 to 80,000 personnel. At the end of June, the Transitional Government appointed the police high command, followed by the appointment in July of provincial police inspectors. A national police seminar, during which the Transitional Government is expected to develop a comprehensive plan for the overall reform and training of the newly integrated police force, commenced on 9 August, with the facilitation of MONUC and interested donors.

25. In the meantime, MONUC and the Ministry of the Interior have established a coordination framework to train and deploy 6,000 police officers, including 3,000 rapid intervention police, during 2004-2005. These officers will assist in the provision of security for the transition and elections. MONUC has also continued to train, monitor and provide technical advice to local police in Bunia, and, at the request of the Transitional Government, has trained an integrated police unit of 350 officers for Bunia in Kisangani.

26. Under a bilateral arrangement, the Government of France has trained and fully equipped a 500-member *police d'intervention rapide* battalion and has commenced the training of a second battalion. However, no progress has been made with regard to the training and integration of the close protection corps. Moreover, as a result of operational delays, in particular in the selection of personnel, the European Union was not able to begin the formation and training of the integrated police unit for Kinshasa as planned during the reporting period. The project is now scheduled to start in September 2004. Initial preparations have, however, commenced and the European Union is refurbishing one training centre. The United Kingdom has shown interest in refurbishing several other training centres.

The situation in Ituri

27. The situation in Ituri remains tense, as rifts between moderates and hardliners have continued to emerge within the armed groups. In an effort to extend state authority to Ituri, President Kabila invited the leaders of the armed groups to Kinshasa for a four-day consultation from 10 to 14 May, which was prepared and facilitated by MONUC. As a result of those consultations, on 14 May the leaders of the armed groups signed an *acte d'engagement*, under which they committed themselves to the transitional process and reiterated their readiness to take part in the pilot disarmament and community reinsertion programme, failing which they would be considered "criminal elements". While direct clashes along ethnic lines have decreased, the armed groups have nevertheless continued to harass the local population, collect tax revenues, exploit natural resources and engage in arms trafficking.

28. On 28 June, in a step towards extending state authority, the Transitional Government appointed the former President of the Interim Ituri Assembly as the new District Commissioner, along with two deputies and five *administrateurs de territoire* (territorial administrators) for Aru, Mahagi, Djugu, Irumu and Mambasa. The handover, which was facilitated by MONUC, took place during the visit to Ituri on 13 July of a high-level government delegation led by the Vice-Minister of the Interior. The territorial administrators have now assumed their functions in Bunia, Mahagi, Mambasa and Djugu. The Aru administrator is expected to be installed once MONUC deploys to that area.

29. In the meantime, the judicial tribunal in Bunia began to hear criminal cases, while the local police, trained by MONUC, is now gradually assuming its law enforcement responsibility. The tactical police unit trained by MONUC in Kisangani is also expected to deploy to Ituri shortly. Some 51 persons were transferred from MONUC custody to the Bunia Central Prison, which reopened in early March and holds some 105 prisoners. Owing to the limited capacity of the prison, some 16 high-profile suspects remain in MONUC custody awaiting transfer to government authorities outside Ituri. MONUC human rights personnel regularly visit all detainees to ensure that international standards of detention are respected.

30. The MONUC Ituri brigade is currently deployed to eight locations, including Bunia, Iga-Barrière, Fataki, Kpandroma, Mahagi, Kasenyi-Tchomia, Marabo and Bogoro. Because of security concerns in other areas, in early June, two companies from the Ituri brigade were redeployed (one, with armoured personnel carriers, to Kinshasa and the other to Bukavu), thus delaying the brigade's deployment to Aru and Mongbwalu. This also affected the security environment in Ituri, in particular around Mahagi, where the Front nationaliste intégrationiste (FNI) and the Forces armées du peuple congolais (FAPC) continue to struggle for control of customs posts and gold mines. While the Transitional Government has now confirmed its intention to deploy the Belgian-trained integrated brigade to Ituri, its actual deployment may be impeded by lack of equipment and the support resources necessary to be effective.

31. As an emergency measure for Ituri, pending the implementation of the national disarmament, demobilization and reintegration programme, a disarmament and community reinsertion programme has been jointly developed by the Transitional Government, MONUC, UNDP, UNICEF and local and international non-

governmental organizations. The disarmament and community reinsertion programme consists of three phases: (a) rehabilitation of the social infrastructure in local communities where combatants would be reintegrated, including schools, hospitals and roads; (b) disarmament of an estimated 15,000 combatants (9,000 adults and 6,000 children) from all groups in accordance with the *acte d'engagement* of 14 May in five transit centres (including the registration and identification of those wishing to be considered for the national disarmament, demobilization and reintegration programme and possibly for integration into the national army); and (c) reintegration of ex-combatants into their communities. Awareness-raising and information work began in June, all the transit centres have been established (with the exception of Aveba, because of the poor road conditions) and a number of community projects have begun. The disarmament phase is now expected to commence in September.

Conduct of MONUC personnel of the Mission

32. Serious allegations of sexual exploitation and misconduct by MONUC civilian and military personnel in Bunia were uncovered by the Mission during May, including sexual exploitation of under-age girls and women at the camp for internally displaced persons and other locations, consisting mainly of prostitution but also including incidents of rape. The United Nations has a policy of zero tolerance for such abuses, which are in clear violation of the MONUC Code of Conduct, a copy of which is provided to every staff member and military contingent. The allegations are under investigation by the Office of Internal Oversight Services. Any civilian staff member found to be responsible for misconduct will be strictly disciplined by the Organization. Military contingent members found to be responsible will be repatriated. The Department of Peacekeeping Operations has urged the troop contributors concerned to ensure that the necessary disciplinary follow-up action is taken once the formal investigations are completed. In the meantime, MONUC, in coordination with United Nations bodies and local authorities, has launched a public educational campaign in Bunia.

33. Moreover, to deter such misconduct in other areas of the Mission, MONUC has established a rapid response action plan, which involves action on four levels: investigation; deterrence; the creation of an emergency task force; and the launching of an extensive public relations and information campaign.

The Bukavu crisis

34. The Bukavu crisis in May-June is symptomatic of the lack of progress in the transitional process and, in particular, the delays in military reform and integration. The roots of the crisis can be traced to February-March 2004, when tensions rose between the Deputy Military Regional Commander, Colonel Jules Mutebutsi (formerly of the Rassemblement congolais pour la démocratie-Goma (RCD-Goma)) and the Military Regional Commander for South Kivu, Brigadier-General Prosper Nabyolwa (of the former government component) over the latter's decision to seize weapons "illegally" held by military personnel under his command. Those tensions resulted in an exchange of fire between troops loyal to them, following which both officers were suspended by the Transitional Government and recalled to Kinshasa. Brigadier-General Nabyolwa travelled to Kinshasa and was temporarily replaced by General Mbuza Mabe. Colonel Mutebutsi was allowed to remain in Bukavu and,

despite concerns that the lack of resolution of his status might trigger future crises, the issue of his replacement was left pending and Colonel Mutebutsi retained control over several hundred troops.

35. Festering tensions over the unresolved problem erupted on 26 May, when clashes took place between troops loyal to the new acting Military Regional Commander, General Mabe, and those of Colonel Mutebutsi. From the outset, MONUC used all political means at its disposal to press the dissident forces to cease hostilities and to canton themselves under MONUC observation. In response to claims of harassment and genocide of the Banyamulenge population, MONUC, which had some 450 troops in the area at the time the crisis erupted, conducted patrols throughout the town to help reduce the heightened tensions, in particular in areas inhabited by the Banyamulenge.

36. The tensions in Bukavu took on a new dimension when, over the weekend of 29 and 30 May, "General" Laurent Nkunda, another renegade dissident ex-RCD-Goma officer, who had refused to go to Kinshasa to be sworn into the FARDC pending his appointment as Military Regional Commander in the third quarter of 2003, began moving towards Bukavu from North Kivu under the pretext of preventing a genocide against the Banyamulenge population. MONUC tried to halt his advance, including by creating a buffer zone north of Bukavu, including around the airport in Kavumu, whose outer perimeter was to be defended by FARDC forces. Through an emergency redeployment, MONUC military strength was augmented by 350 troops, bringing its strength in Bukavu to 800 on 29 May. In view of the extremely volatile situation, a further reinforcement was made through the redeployment of 204 troops on 1 June, at which time the MONUC military presence on the ground numbered 1,004 all ranks.

37. The MONUC military contingent in Bukavu was nevertheless overstretched, with three major locations to protect (the airport, a MONUC engineering base on the road from the airport to the city and the city of Bukavu itself, with some 550,000 residents). As Nkunda's troops advanced towards Bukavu on 1 June, FARDC elements abandoned the buffer zone and, on 2 June, the forces belonging to Nkunda and Mutebutsi took over Bukavu. Widespread abuse and looting followed. By that time, most FARDC troops had fled the city or sought refuge in the MONUC compound. Given the attacks on MONUC personnel and property elsewhere in the Democratic Republic of the Congo, MONUC was unable to bring further reinforcements to the city. Nevertheless, the Mission was able to protect some 4,000 internally displaced persons at its premises in Bukavu and to extract individual citizens at risk to places of safety. Elsewhere in the country, MONUC also organized a number of special rescue operations to extract and protect personnel in Goma, Kinshasa, Kisangani, Lubumbashi and other hotspots.

38. What appeared initially as an act of insubordination and mutiny by two renegade officers quickly escalated into a fierce military confrontation, with a perceived ethnic overtone, alleged foreign interference and potentially heavy political consequences. The impact of the fall of Bukavu was immediate. During emergency sessions of the National Assembly called to address the crisis in early June, RCD-Goma representatives were accused of supporting what was described as a "Rwandan occupation". Elements of the Transitional Government, in particular from the former Government, supported President Kabila's proposal to the Council of Ministers to declare a state of emergency and called for the suspension of the

transitional process. In that connection, President Kabila held a series of consultations with the signatories of the Global and All-Inclusive Agreement to seek a review of the "1+4" structure of Government. Those efforts encountered strong opposition, in particular from the Mouvement de libération du Congo (MLC) and the RCD-Goma representatives, as well as from the international community, and were subsequently abandoned.

39. At the same time, MONUC was blamed by several high-level Transitional Government officials for not using its mandate under Chapter VII of the Charter of the United Nations to prevent the capture of Bukavu by dissident elements. Violent demonstrations were staged against MONUC and United Nations agencies in Kinshasa, Lubumbashi, Kalemie, Mbandaka, Kisangani, Beni and Kindu, resulting in the destruction of over $1 million worth of equipment and property. Premises of United Nations humanitarian agencies and non-governmental organizations were also looted and damaged, resulting in the suspension of humanitarian programmes in food security, health care, water and education for some 3.3 million people in the eastern part of the country. United Nations personnel were harassed, physically attacked and their private residences looted. Non-essential staff, dependants and humanitarian workers were temporarily relocated and unarmed military observers were moved to areas of safety. However, one of them was killed by Nkunda's forces when evacuating from Kalehe. In Kinshasa, however, three demonstrators who had infiltrated MONUC premises lost their lives when MONUC troops, acting in self-defence, were forced to open fire.

40. During the crisis I maintained close contact with regional and international leaders and members of the Security Council and encouraged them to do all they could to de-escalate the tension. The Government of Rwanda denied involvement and, on 6 June, closed its borders with the Democratic Republic of the Congo, requesting international verification of allegations of its involvement. While the borders were subsequently reopened on 2 July, their closure had an adverse effect on the delivery of humanitarian assistance in the area and on the Congolese, whose trade and supply routes were cut off.

41. Following numerous broken promises, General Nkunda's troops withdrew northwards on 6 June, while Colonel Mutebutsi's troops withdrew south towards Kamanyola on 8 June. The following morning, the FARDC, whose strength had been augmented through reinforcements from the western part of the Democratic Republic of the Congo, was able to re-enter Bukavu and regain control of the border points with Rwanda. The newly appointed Governor of South Kivu, Augustin Bulaimi, subsequently assumed his post on 11 July.

42. All sides, including FARDC troops as they entered Bukavu on 9 June, looted and abused civilians and, in some instances, raped women and girls. Between 8 and 21 June, MONUC investigated allegations of attacks on Banyamulenge in Bukavu. MONUC determined that, while the attacks did not appear to have been planned or ordered, between 26 May and 1 June, FARDC elements had perpetrated four deliberate killings and nine cases of injury of Banyamulenge civilians. It was also determined that the FARDC had unlawfully killed six Banyamulenge FARDC officers in Walungu on 3 June; the circumstances of the killings are as yet unclear. MONUC was prevented from interviewing Banyamulenge refugees in Cyangugu, Rwanda, with regard to another 12 reported killings and alleged abuses of Banyamulenge civilians in Bukavu. In addition, the MONUC investigations

determined that the FARDC had deliberately killed two unarmed civilians in Bukavu who were not Banyamulenge.

43. MONUC investigations also determined that Nkunda's and Mutebutsi's troops had been responsible for dozens of cases of rape and had deliberately killed at least nine civilians while in Bukavu, which was under their control between 2 and 5 June. As many as 1,400 traders were affected by the burning of the Kadutu market by Nkunda elements and, on 4 June, a "colonel" representing Nkunda forcibly removed the equivalent of some $100,000 in francs from the Bukavu Central Bank.

44. On 11 June, about 40 presidential guards attempted a coup d'état, accusing the Transitional Government of incompetence. Following exchanges of fire in central Kinshasa, the group's leader escaped and has apparently remained at large ever since. The Commander of the Presidential Guard and the Chief of the Maison militaire du Chef de l'État were suspended and on 19 June, President Kabila replaced the Chief of Staff of the Army. On 14 July, having returned to Goma, eight RCD-Goma members of the National Assembly unilaterally suspended their membership of the Assembly and called on other RCD-Goma members to follow suit. The eight were strongly condemned by the RCD-Goma leadership, who sought to replace them. Their action was, however, contested by the President of the National Assembly as "unconstitutional". The matter remains unresolved.

45. On 20 June, a MONUC patrol came under fire believed to be from Mutebutsi's soldiers about 3 kilometres south of Kamanyola. In response, MONUC attack helicopters opened rocket fire, which scattered the men, who subsequently fled in the direction of the Rwandan border. Fighting has erupted in the Ruzizi plains following the withdrawal of Mutebutsi's troops south of Bukavu. On 21 June, Colonel Mutebutsi, along with some 300 troops, crossed into Rwanda.

46. As noted above, since the start of the crisis, the FARDC has significantly reinforced its presence in the eastern part of the Democratic Republic of the Congo, by deploying an estimated 15,000 troops (primarily former Forces armées congolaises, presidential guards, Mayi-Mayi and ex-MLC) in the provinces of Maniema, Orientale and North and South Kivu. General Nkunda's fate continues to remain unresolved. He and his troops are located between Goma and Bukavu on Lake Kivu, with reports of additional troops being recruited. The situation remains extremely tense, with concerns over the intentions of the North Kivu Military Regional Commander, General Rwibasira Obedi, given his supposed ties with General Nkunda and the fact that he has twice failed to participate in consultations of all military regional commanders held in Kinshasa during the past month.

Bilateral relations

47. Despite all efforts to build confidence between the Democratic Republic of the Congo and Rwanda, bilateral relations suffered a series of setbacks during the reporting period. In April, Rwanda claimed that elements of the former Forces armées rwandaises (FAR)/Interahamwe, also referred to as the Forces démocratiques de libération du Rwanda (FDLR), carried out attacks on its territory from the Democratic Republic of the Congo, while the latter claimed that there had been Rwandan incursions into its territory. While MONUC continued to urge the Governments of both the Democratic Republic of the Congo and Rwanda to reduce the growing tension in the spirit of the Declaration on the Principle of Good-

Neighbourly Relations and Cooperation, signed by both parties on 25 September 2003, relations further deteriorated as a consequence of the Bukavu crisis, when President Kabila alleged that Rwanda had given direct support to the insurgency. It was not until 25 June, following numerous high-level representations by Belgium, France, the United Kingdom, the United States of America and others and with the active mediation of President Olusegun Obasanjo of the Federal Republic of Nigeria, that President Joseph Kabila and President Paul Kagame met in Abuja and agreed on a series of confidence-building mechanisms, including the creation of a joint verification mechanism.

48. Both Governments reaffirmed their agreement to the establishment of a joint verification mechanism during the high-level meeting on the Democratic Republic of the Congo, which I convened during the African Union summit in Addis Ababa in early July. MONUC has since developed draft terms of reference for the Joint Verification Mechanism and is consulting with the parties, with the view to setting the Mechanism in motion as soon as possible.

49. At the same time, steps were taken to strengthen bilateral contacts with Uganda during the reporting period, despite the continued presence of Ugandan armed groups in the north-eastern Democratic Republic of the Congo. In that regard, the establishment of the Democratic Republic of the Congo/Uganda Joint Bilateral Security Intelligence Commission in December 2003 with MONUC assistance has contributed to the strengthening of bilateral relations. On 17 May, the Government of Uganda extended by three months its amnesty to encourage the armed groups to return to Uganda. The Commission held a successful meeting in Beni on 18 May, following which a joint MONUC/Democratic Republic of the Congo/Uganda border verification mechanism was established. The Joint Verification Mechanism has yet to begin functioning, however, owing to disagreement over the rank of military personnel who are to form the team. In the meantime, the Government of Uganda has reopened its embassy in the Democratic Republic of the Congo and submitted the name of a diplomat for approval as ambassador by Kinshasa.

III. Challenges and the way forward

50. The prevailing mistrust and lack of political determination that have impeded the Transitional Government from moving forward on its agreed agenda can be traced to several factors. It should be recalled that the Democratic Republic of the Congo has never enjoyed democracy and, as the first Government that has committed itself to the use of transparent and democratic means to unify and govern the country, the Transitional Government must overcome decades of entrenched bad governance.

51. Moreover, it should also be recalled that the Inter-Congolese Dialogue, while decisively ending open conflict in the Democratic Republic of the Congo, deferred the resolution of some key issues, such as military integration and post-transition power-sharing, to the Transitional Government. Furthermore, despite the signature of the Global and All-Inclusive Agreement in December 2002 and the establishment of the transitional institutions in June 2003, some influential elements among the ex-belligerents still maintain a war mentality and are actively working against the transition. Without the marginalization of such spoilers through effective disarmament, demobilization and reintegration and military integration, timely

political agreements on nationality and amnesty and legitimization of the economic sector, the country will remain unstable and incidents such as those seen in Bukavu and Kinshasa in May-June 2004 are likely to recur. Once basic security is restored, the country is effectively reunified, all former belligerents have lost their independent military capacities and the future structure of the State and the rights of its citizens are determined and guaranteed, confidence in the success of the peace process will increase.

Political strategy

52. From the beginning of the United Nations involvement in the peace process in the Democratic Republic of the Congo, it was clearly acknowledged that there was no military solution to the conflict. It is for that reason that a step-by-step approach was taken to match the political will of the parties with the support provided by MONUC. In that regard, the pursuit of a political solution and strengthening the political process will remain the lynchpin of the United Nations presence in the Democratic Republic of the Congo.

53. At the present juncture, it is imperative that a clear political strategy be implemented to reduce the role of spoilers and build confidence in the transition. Such a strategy must be based on clear priorities and sequences, focusing on the most essential elements necessary to establish peace and security: (a) the restoration of security throughout the territory of the Democratic Republic of the Congo through military integration and disarmament, demobilization and reintegration, strengthening of law and order, and progress on disarmament, demobilization, repatriation, resettlement and reintegration; (b) the effective territorial reunification of the country through the restoration of a unified administration and border control mechanisms; (c) the adoption both of the legislative framework necessary for the electoral process and of a new constitution; and (d) the holding of credible national elections, providing the basis for democratic rule in the country.

1. The role of the Transitional Government

54. The primary responsibility for fulfilling the above objectives rests with the Transitional Government. I would encourage the Government to seriously engage in — and produce plans with timelines to accomplish — the core tasks of the transition, along the following sequences:

The critical path of the transition

1. Restoring security

(a) Military reintegration and disarmament, demobilization and reintegration

(i) Political decisions and planning

a. Adoption of key legislation on amnesty, nationality and defence and the armed forces;

b. Establishment of the Supreme Defence Council;

c. Negotiations on the integration of the armed forces;

d. Production of an operational plan for military integration endorsed by all the components of the Transitional Government and concerned actors;

e. Adoption of the disarmament, demobilization and reintegration joint operational plan;

f. Establishment of a joint Government/MONUC security sector reform coordination mechanism;

(ii) Implementation of military reform and disarmament, demobilization and reintegration plans

a. Awareness-raising;

b. Integration of all forces within standardized battalions;

c. Establishment of a reliable and transparent system of sustainment and payment for soldiers;

d. Integration, training and deployment of restructured units;

e. Implementation of the disarmament and community reintegration programme for Ituri armed groups, as an interim step;

f. Implementation of the national disarmament, demobilization and reintegration plan;

(b) Public order

(i) Improvement of security in Kinshasa for the transitional institutions and processes;

(ii) Establishment of a joint police reform planning mechanism;

(iii) Rehabilitation of police training centres;

(iv) Beginning of training of new police officers;

(v) Restructuring of the Congolese national police;

(c) Accelerating disarmament, demobilization, repatriation, resettlement and reintegration

(i) Development of a plan to address disarmament, demobilization, repatriation, resettlement and reintegration and issuance of operational orders to FARDC units to disarm foreign armed combatants;

(ii) Disciplining of FARDC and other collaborators with the ex-FAR/Interahamwe;

(iii) Implementation of the 27 November 2003 Democratic Republic of the Congo/Rwanda Pretoria Agreement;

(iv) Active participation in the Joint Verification Mechanism;

(v) Establishment of a Democratic Republic of the Congo/MONUC consultative mechanism on the ex-FAR/Interahamwe.

2. Territorial reunification of the country

(a) Establishment of a regular and transparent system for the payment of salary to all civil servants;

(b) Re-establishment of a unified administration at the central and provincial levels;

(c) Engagement in local conflict resolution;

(d) Reunification of immigration and customs services.

3. Legislative agenda and preparation for the elections

(a) Legislative process

(i) Promulgation of the voter registration law;

(ii) Promulgation of a package of electoral laws;

(iii) Promulgation of the nationality law;

(iv) Drafting of the post-transitional constitution, to be adopted by referendum;

(b) Preparation for the elections

(i) Mobilization of resources for the elections;

(ii) Adoption of a code of conduct for political parties;

(iii) Establishment of provincial electoral offices;

(iv) Development of a civic education programme;

(v) Registration of voters;

(vi) Development of a security plan for elections;

(vii) Development of a post-election strategy in case outcomes are contested.

2. Building good-neighbourly relations

55. Peace in the Democratic Republic of the Congo cannot be achieved without the firm commitment of its neighbours to respect the sovereignty of the country and to desist from interfering in its internal affairs. The Governments of the Democratic Republic of the Congo, Rwanda and Uganda must take real steps to normalize their bilateral relations as a matter of priority. To that end, the following actions need to be pursued:

(a) Immediate cessation of explicit or covert support, including moral encouragement, to individual political or military actors in the Democratic Republic of the Congo;

(b) Immediate cessation of support to the ex-FAR/Interahamwe and accelerated measures to ensure their disarmament;

(c) Implementation of the Declaration on Good-Neighbourly Relations and Cooperation between the Democratic Republic of the Congo, Burundi, Rwanda and Uganda of 25 September 2003;

(d) Implementation of the Democratic Republic of the Congo/Rwanda Pretoria Agreement of 27 November 2003;

(e) Restoration of diplomatic relations through the exchange of ambassadors;

(f) Participation in the relevant joint verification mechanisms;

(g) Participation in a regional support group composed of African personalities could be envisaged to increase confidence-building, at the political level, between the Democratic Republic of the Congo and its neighbours;

(h) Active and constructive participation in the International Conference on the Great Lakes Region.

3. The role of the international community

56. The International Committee in Support of the Transition, comprising representatives of 13 Member States, the African Union and the European Union/European Community and convened by the United Nations, was established shortly after the adoption of the Final Act in April 2003, which endorsed the Global and All-Inclusive Agreement and the resolution of the Inter-Congolese Dialogue. The International Committee in Support of the Transition has played a useful role in supporting the transition and in allowing key members of the international community to speak with one voice, as well as jointly to exert political pressure for progress in areas of the transition where delays have been encountered.

57. The influence of the international community on the pace and quality of the transitional process should be increased as a means of strengthening the state institutions. Hardliners and spoilers who want to see the transitional process fail can be found in all the major components and will continue to disturb the process. The efforts of the international community could have more impact if its political goals and financial and material assistance were to be carefully calibrated and used as additional leverage to support the transitional process. Both bilateral and multilateral actors possess the tools in the form of financial resources that can be used to make the Transitional Government more accountable and thus help move the transitional process forward. Coordinated and targeted assistance of the international community in key areas of the transition — such as those identified in paragraph 54 through the provision of expertise, political and material assistance — would be key. This can be achieved through:

(a) Tighter coordination of political and economic actors to ensure the use of donor funds to support the political strategy;

(b) Assistance in providing advisory expertise, financial support, training and equipment for security sector reform;

(c) Assistance in building provincial administration, improving the delivery of basic social services and accelerating the reunification of customs and immigration services;

(d) Assistance to the Transitional Government, in coordination with the World Bank and International Monetary Fund, in ensuring the transparent, legitimate control of natural resources;

(e) Provision of flexible budgetary support to provide funds necessary to cover basic civil services and the salaries of civil servants;

(f) Application of political and economic pressure by those with influence to ensure that the neighbouring countries of the Democratic Republic of the Congo are taking steps to cease immediately all explicit or covert support to armed groups in the Democratic Republic,

(g) Establishment of a regional support group of eminent African personalities to encourage confidence-building, at the political level, between the Democratic Republic of the Congo and its neighbours;

(h) Provision of sustained political, technical and financial support for the preparation and convening of the International Conference on the Great Lakes Region and its follow-up to help tackle the interlinked root causes of the region's conflicts in a comprehensive manner.

IV. The role of the United Nations Organization Mission in the Democratic Republic of the Congo

58. The interpretation of Security Council resolution 1493 (2003) has been a major challenge for MONUC over the past year. In the resolution, the Council gave MONUC the mandate to, inter alia, provide assistance for the reform of the security forces, the re-establishment of a State based on the rule of law and the preparation and holding of elections, throughout the territory of the Democratic Republic of the Congo. It also authorized MONUC to use all necessary means to fulfil its mandate in the Ituri district and, as it deemed it within its capabilities, in North and South Kivu.

59. The establishment of the peacekeeping mandate of MONUC under Chapter VII of the Charter of the United Nations has raised expectations that the Mission will enforce the peace throughout the country. However, there is a wide gap between such expectations and the Mission's capacity to fulfil them. At the same time, the lack of specificity as to its tasks under resolution 1493 (2003) does not lend itself to the most effective use of the resources provided to the Mission.

60. The recommendations presented in the present report have been developed with the above in mind and represent my considered views on the means by which MONUC could provide more effective assistance to the peace process at this critical juncture.

61. The key role of MONUC will be to continue the provision of its good offices to build confidence among the leaders of the transition and to strengthen the Transitional Government. The Mission will also continue to build political support for the transitional process among the international community, in particular through the International Committee in Support of the Transition.

62. To facilitate the process, MONUC will seek to coordinate certain aspects of the engagement of the Transitional Government and of Member States and multilateral actors through a partnership approach. Reflecting the key objectives of the critical path outlined in paragraph 54, MONUC will establish three joint commissions with the Transitional Government and the relevant international actors. Those commissions will provide a mechanism of interaction with the Transitional Government, as follows:

(a) Essential legislation (including the post-transitional constitution);

(b) Security sector reform (including the component of military reform and disarmament, demobilization and reintegration on the one hand and law and order in the area of police reform on the other);

(c) Elections.

63. The proposed commissions are a way of giving renewed impetus to reform and progress in areas critical to the overall success of the transition, reinforcing accountability and accelerating decision-making and implementation. The international community and the transitional institutions will be requested to designate a *chef de file* for each area. MONUC will not assume responsibility in those areas but rather provide support to the overall coordination by assisting each commission and, at an early stage, by identifying gaps in the international support. The first task of each commission will be to outline its agenda, together with a timetable for implementation. Ultimately, the success of these mechanisms will depend very much on the degree of readiness of the transitional authorities to assume their constitutional responsibilities fully.

Elections

64. In order to provide effective support to the electoral process throughout the Democratic Republic of the Congo, in particular with regard to the provision of assistance to the 64 liaison offices of the Independent Electoral Commission, MONUC is in the process of establishing 15 electoral offices in the 11 provinces. Those offices, integrated into the MONUC structures, will assist the Independent Electoral Commission in implementing various electoral activities, such as civic and voter education, electoral operations and logistics. Additional administrative and logistical support to be provided by MONUC for the elections would only be possible through the provision of an additional mandate and supplementary budget, including increased air resources, transport, movement control, engineering and communications staff. Any recommendations in that regard will be made at a later date, depending on the Independent Electoral Commission's further assessment of its needs and the support to be provided by bilateral and multilateral donors.

Military mandate

65. In developing the future military strategy for MONUC, the Mission's current military tasks were carefully reviewed. In that connection, it has been deemed appropriate for MONUC to continue to carry out the following mandated tasks in accordance with its current concepts of operations: supporting peace and reconciliation initiatives in Ituri, contributing to the multi-layer security arrangements in Kinshasa and providing security for United Nations personnel and facilities, as well as for civilians under imminent threat of violence in the areas of MONUC deployment. At the same time, MONUC needs to clarify its role with regard to monitoring the arms embargo and to strengthen its capabilities in the areas of disarmament, demobilization, repatriation, resettlement and reintegration of foreign combatants and disarmament, demobilization and reintegration of Congolese combatants. Furthermore, in the light of recent events, it will also be necessary to strengthen the Mission's capacity to deter spoilers, in particular in key areas of potential volatility.

1. Monitoring the arms embargo

66. In its resolution 1493 (2003), the Security Council placed an arms embargo on Ituri and North and South Kivu and authorized MONUC to report on the movement of armed groups, as well as on arms supplies and the presence of foreign military, especially by monitoring the use of landing strips. By its resolution 1533 (2004) of 12 March 2004, the Security Council established a Sanctions Committee to be supported by a group of experts to, inter alia, gather and analyse information on violations of the embargo, including that provided by MONUC. The Council also authorized MONUC to seize or collect, as appropriate, the arms and any related material whose presence in the Democratic Republic of the Congo violated the arms embargo.

67. While MONUC military observers continue to collect information on violations of the arms embargo, the Mission has been criticized for not providing clearer and more detailed information on the matter. However, the Mission's ability to monitor the embargo is severely limited by the means at its disposal. The border between the Democratic Republic of the Congo and concerned neighbouring States (Burundi, Rwanda and Uganda) runs some 2,500 kilometres, mostly through dense forest or major lakes. It is estimated that there are some 45 airstrips in Ituri and the Kivus. Furthermore, the parties have so far been reluctant to cooperate with MONUC in monitoring the embargo and indeed they sometimes try to impede its monitoring activities. Finally, while MONUC has been able to collect what it deems to be reliable information on external military support to the parties, this remains circumstantial evidence. This being the case, the alleged violators have refused to accept responsibility for such violations.

68. Even with an enhanced capability to operate by land, air and water, given the conditions on the ground and for the reasons stated above, MONUC would find it difficult to confirm violations of the arms embargo. Satellite imagery and electronic warfare capabilities would assist in that regard, but past experience has shown that it is unlikely that Member States with such capabilities would be prepared to provide them to the United Nations.

69. In this connection, it is recommended that the group of experts established under resolution 1533 (2004) and reconstituted under resolution 1552 (2004) of 27 July 2004, continue its work of gathering and investigating information and of reporting it thereafter to the Sanctions Committee. At the same time, MONUC military observers would continue to gather information in areas of their deployment and make it available to the panel of experts. Support from Member States with satellite capability to both MONUC and the group of experts would assist in verifying information collected.

2. Support of disarmament, demobilization and reintegration

70. While the joint operational plan for each stage of the national disarmament, demobilization and reintegration programme is still being finalized by the National Commission for Disarmament, Demobilization and Reintegration and its partners, it is envisaged that MONUC will play a key role in assisting the designated Congolese authorities — the *État-major intégré/Structure militaire d'intégration* (SMI) — in conducting disarmament. The draft plan envisages that the disarmament process would be conducted in a phased approach, possibly at 4 disarmament sites at any one time, before they proceed to one of the 11 static or 7 mobile orientation centres

to be set up by the National Commission. The disarmament process would be preceded by an awareness-raising campaign and is expected to last from 20 to 25 weeks, during which around 330,000 combatants will be disarmed. The security of the disarmament sites will be the responsibility of the FARDC, with the possibility of MONUC providing security in some sensitive locations.

71. The disarmament process is to be planned and implemented by a command cell consisting of the National Commission for Disarmament, Demobilization and Reintegration, SMI and MONUC, which is to be set up before the end of August. The cell will have oversight of 20 to 25 teams composed of representatives of integrated defence headquarters, SMI and MONUC, which will monitor the disarmament process on the ground. MONUC will provide logistical support to facilitate the movement of the teams throughout the country as required.

3. Disarmament, demobilization, repatriation, resettlement and reintegration

72. In September 2002, I recommended to the Security Council that MONUC could best fulfil its role in the disarmament and repatriation of foreign armed groups on the basis of a voluntary approach (see S/2002/1005). While MONUC has to date disarmed and repatriated some 6,000 ex-FAR/Interahamwe elements: 8,000 to 10,000 others, together with some 20,000 to 30,000 dependants, remain in the Democratic Republic of the Congo. MONUC considers that a large number, perhaps the majority of the rank and file, are willing to return to Rwanda, but are being prevented from doing so by their hard-line commanders.

73. While the military capacities of these elements have been weakened over the years, they remain a threat to innocent civilians on whom they prey. In addition, the Government of Rwanda maintains that the ex-FAR/Interahamwe operating in the Democratic Republic of the Congo still pose a threat to its security and that elements within the Transitional Government continue to support them. These accusations, coupled with those by the Democratic Republic of the Congo of Rwandan military support to elements in the east, continue to be the main impediments to the normalization of bilateral relations between the two countries, a factor that, in itself, is key to the success of the transitional process.

74. On 27 November 2003, the Governments of the Democratic Republic of the Congo and Rwanda committed themselves to working together to solve the problem of the continued presence of ex-FAR/Interahamwe elements that still operated in the Democratic Republic of the Congo and posed a threat to Rwandan security. While the repatriation of Rwandan and other foreign elements quadrupled between December 2003 and April 2004, only several hundred have returned since then. In that connection, it has become clear that the Mission's current mandated efforts towards encouraging voluntary defections from foreign armed military formations will not succeed in resolving the problem within an acceptable time period. A more comprehensive approach, with the full participation of the Transitional Government and the active cooperation of Rwanda, is required.

75. During the visit to the region of the Under-Secretary-General for Peacekeeping Operations in May 2004, discussions were held with the two parties on means to step up pressure on the ex-FAR/Interahamwe armed groups still operating in the Democratic Republic of the Congo. In that connection, the following steps should be taken:

(a) The Transitional Government should implement the measures outlined in paragraph 55 (1 (c)) above, in particular by ensuring that support to the ex-FAR/Interahamwe is terminated immediately, that they are officially declared outlaws and that the FARDC is instructed to step up its measures to arrest them;

(b) An augmented and fully deployed MONUC military presence in the Kivus, acting in support of FARDC operations, would take a more active and robust role in disarmament, demobilization, repatriation, resettlement and reintegration, including through measures such as cordon and search operations, declaration of weapon-free zones and operations to ensure respect for the arms embargo, with a view to preventing the resupply of the foreign armed groups, from whatever source;

(c) A suitably resourced MONUC military force would position itself, in close coordination with the FARDC, to deter or prevent reprisal attacks by foreign elements against the Congolese civilian population;

(d) MONUC disarmament, demobilization, repatriation, resettlement and reintegration teams would be put in place to take advantage of the physical scattering of the ex-FAR/Interahamwe units following stepped up FARDC actions against them. Where security and logistics considerations permit, such teams would gather deserters and their dependants, and facilitate their voluntary disarmament and repatriation. MONUC would expand and intensify Radio Okapi broadcasting and coverage to support these operations;

(e) Full support would be provided to the Joint Verification Mechanism, made up of representatives of the Governments of the Democratic Republic of the Congo and Rwanda, as well as Burundi and Uganda on an as-needed basis. Those representatives would assist in identifying and locating foreign armed groups.

4. Key principles of the deployment of the armed units of the Mission

76. As discussed in paragraph 59, the gap between expectations and MONUC's capacity in the Democratic Republic of the Congo has put United Nations personnel at risk. The role MONUC will play in that regard needs to be well understood by all concerned. The military component of the Mission can play a significant role in support of its political strategy to strengthen the transitional process by discouraging violence in volatile areas and by protecting United Nations personnel so as to allow them to operate in such areas. However, given the size of the Democratic Republic of the Congo, MONUC cannot be deployed everywhere, nor, for that matter, in significant strength in localities where hundreds of thousands, if not millions of people, are present. Hence, strategic areas of operation must be identified.

77. MONUC cannot assume responsibility for the maintenance of law and order in the Democratic Republic of the Congo, which is a sovereign country, nor can it fight forces representing components of the Transitional Government, should they decide to abandon the political process. Hence, should the Security Council provide a mandate, under Chapter VII of the Charter, for MONUC to assist in the creation of stability in areas other than Ituri, the conditions under which MONUC should use force to deter dissident elements from using violence to derail the political process must be clearly defined.

78. In that connection, the primary role of MONUC in deterring armed challenges to the transitional process is to use its political good offices to mediate disputes. When that fails, however, the transitional process cannot be held hostage to armed

challenges, as was the case in Bukavu in May-June. In such circumstances, MONUC should have the military capability to take action to support the transitional process and to deter such challenges while, at the same time, ensuring the protection of civilians who may be at risk.

5. Military concept of operations

79. MONUC has lacked a mission reserve since the deployment of the Uruguayan battalion to Ituri in April 2003. As the battalion later became part of the Ituri brigade, the Mission was left without a reserve capacity. Hence, its only option to provide back-up in times of crisis, as in Bukavu, was to move military elements from their assigned tasks in more stable areas. This has weakened the Mission's capacity to perform its essential tasks and, in fact, has led to an increase of insecurity in some areas from which troops have been redeployed. Based on lessons learned, the requirement for a sufficient built-in reserve capacity was a key focus in reviewing the Mission's concept of operations.

80. It is recognized that, because MONUC cannot be deployed everywhere throughout the Democratic Republic of the Congo, the premise of its deployment strategy must be to maintain a credible and secure presence in key areas of potential volatility, which, in addition to its regular tasks, would be ready to undertake surge operations in crisis areas.

81. In that connection, the efficiency of the force will depend, above all, on its capacity to act as a deterrent, on the one hand, and as a rapid reaction force, on the other. Thus, with a view to creating an effective, well-structured force that is both responsive and maximizes available resources, including a 24-hour operational capability, the Mission's military concept of operations has been revised on the basis of the key principles of: (a) built-in reserve capacity; and (b) flexible and mobile capability.

(a) Ituri

82. The current troop strength of the Mission of a brigade (some 4,700 military personnel) in Ituri was an important factor in the gradual return of stability to the areas of its deployment. The brigade is currently deployed in seven locations outside Bunia and there are plans to deploy to two additional locations soon. These deployments have necessitated the use of the brigade's reserve capacity (one company), which must be reconstituted. The brigade will, therefore, require an additional company of 150 personnel to provide a reserve capability, bringing its total strength to some 4,850 military personnel.

(b) North Kivu and South Kivu

83. The Kivus lie at the centre of the conflict in the Democratic Republic of the Congo, both in terms of the history of the conflict and their location on the border with Burundi, Rwanda and Uganda. Although open fighting between the Congolese protagonists of the 1998-2003 conflict has stopped for the most part, in the Kivus significant tensions, often arising from communal- and provincial-level power struggles, continue to prevail. The Bukavu crisis in May-June also illustrated the tensions that can arise in extending state authority to those areas. In addition, 8,000 to 10,000 ex-FAR/Interahamwe elements remain in the Kivus, maintaining control of some areas and preying on civilians. Moreover, some 120,000 Congolese

elements in the Kivus are expected to be disarmed and either demobilized or integrated into the new FARDC structures.

84. The volatile and politically sensitive situation in the Kivus requires a balanced and responsive military presence capable of responding to more than one crisis at a time. The main tasks of the proposed North and South Kivu brigades will be: (a) to pursue a proactive approach in order to pre-empt problems before they erupt into armed crises and to assist in putting them out when they do; (b) to support disarmament, demobilization, repatriation, resettlement and reintegration and disarmament, demobilization and reintegration efforts; and (c) to assist in the provision of security for the extension of state authority. It is estimated that these tasks can be undertaken through the establishment of two light brigades, each comprised of three battalions.

85. The Kivu brigade, as currently constituted, comprises two battalions, enabling units, a headquarters in Bukavu and a rear base in Kindu (3,100 personnel). Under the new concept of operations, North Kivu and South Kivu would each have a separate light brigade with its own headquarters. This would be effected by the addition of four battalions, support elements and additional headquarters personnel (3,550), bringing the total requirement for the two Kivu brigades to some 6,650 military personnel.

86. It is envisaged that the North Kivu brigade would be deployed with battalions centred in Beni, Rutshuru and Goma and its brigade headquarters in Goma. Two battalions of the South Kivu brigade would be deployed in Bukavu, including at the airport, with the third battalion deployed in the Fizi-Uvira-Baraka-Kamanyola area, and its brigade headquarters in Bukavu.

87. The North and South Kivu brigades and the Ituri brigade will fall under the immediate command of a division headquarters to be located either in Kisangani or Kindu (see paras. 99-101 below on command and control arrangements). A mission reserve battalion will be deployed with the division headquarters to cover contingencies in Ituri, the North and South Kivus and Maniema. The battalion would be kept in a state of high readiness, including training and short-term surge assignments, for immediate deployment to assist military operations in need of support. In view of the need to maintain a capable mission reserve, the battalion would not be deployed for long-term operations unless provisions were made to reconstitute a fresh reserve.

(c) Katanga and the Kasais

88. As the Democratic Republic of the Congo enters the electoral phase, the provinces of Katanga and the Kasais are considered to be areas of extremely high potential risk. Katanga's potential for violence and unrest has been demonstrated time and again since independence by either armed secessionist movements or hostilities in the province. In eastern Katanga there are tensions between Mayi-Mayi and ex-RCD-Goma elements, while in the north there are tensions between different groups of Mayi-Mayi and the former FAC. Over the past few years, towns in the province, such as Kalemie, Pweto and Moliro, have become hotspots that have threatened the peace process. The province is also the base of key political figures, including President Kabila.

89. The diamond-producing provinces of Eastern and Western Kasai are equally volatile and vital to the stability of the country, with Mbuji-Mayi being a strategic point of control of the access to diamond fields and the security of the Kinshasa and Lubumbashi supply routes. Eastern Kasai, in particular its principal town of Mbuji-Mayi, is also expected to be a centre of political activity in the lead up to and during the elections.

90. It is therefore envisaged that a fourth brigade (3,500), the Katanga/Kasai brigade, would be deployed. Its primary tasks would be similar to those of the brigades in the Kivus, namely: (a) to pursue a proactive approach in order to pre-empt problems before they erupt into armed crises and to assist in putting them out when they do; (b) to support disarmament, demobilization, repatriation, resettlement and reintegration and disarmament, demobilization and reintegration efforts; and (c) to assist in the provision of security for the extension of state authority. As those in the Kivus, this brigade should be capable of responding to more than one crisis at a time. To fulfil these tasks, the brigade's headquarters will be based in Kamina, with battalions centred in Kalemie, Lubumbashi and Mbuji-Mayi. The brigade would also include a brigade reserve battalion located at the brigade headquarters in Kamina to cover contingencies in Katanga and the Kasais.

(d) Kinshasa

91. MONUC will continue to contribute to the security arrangements for the institutions of the transition in Kinshasa as outlined in my second special report of 27 May 2003 (S/2003/556 and Corr.1). However, the incidents of May-June 2004 highlighted serious weaknesses in those arrangements, including the lack of a coherent command structure for the various security elements in Kinshasa. The incidents also highlighted the United Nations vulnerability in the city, including the number of United Nations locations (seven MONUC facilities and six United Nations entities) that are spread across it. The possibility of consolidating those locations is being assessed. At the same time, MONUC's security capability in the city must be reinforced.

92. It is therefore recommended that an additional two battalions, an engineer detachment and two gendarmerie units be deployed to Kinshasa to augment the current MONUC deployment in the city, which is 928 all ranks. The Mission's total military strength in Kinshasa would thus be increased to a brigade-sized force of some 2,800 military personnel.

93. The force would be given the task of assisting in the protection of relevant officials and installations of the Transitional Government; providing static protection for MONUC locations and protection of other United Nations installations as required; providing escorts and evacuation/extraction capability for United Nations and other international personnel as required; and providing secure access to the airport and security for MONUC air assets at the airport. The gendarmerie units would have the task of assisting in crowd control and would assist in the performance of the Mission's other tasks related to security arrangements in Kinshasa.

94. In view of the size of the Democratic Republic of the Congo, it is likely that the number of potential reserve tasks and simultaneous crises are likely to exceed the capacity of a single mission reserve, which will be based in the east (see para. 87). It is therefore proposed that a second mission reserve, consisting of a

battalion capable of deploying independent companies to dispersed locations, be deployed to Kinshasa. The battalion would be kept in a state of high readiness, including training and short-term surge assignments, for immediate deployment to assist military operations in need of support in its area of operation.

(e) Force enablers

95. An integral element for the implementation of the above concept of operations is based on the principles of flexibility and mobility. The current air assets of MONUC consist of 49 aircraft (21 fixed-wing and 28 rotary-wing), which are engaged fully in passenger and cargo transport, casualty and medical evacuations, standby security support and, in the case of the Mi-17 and Mi-25 rotary-wings, military operations in Ituri and the Kivus. Thus, in order to implement the Mission's revised concept of operations as outlined above, additional air mobility will be required, including 2 additional C-130 type aircraft, 19 military-support and 2 MI-26 helicopters, 13 attack helicopters and 4 surveillance reconnaissance helicopters.

96. These additional military air assets will be under the control of the Force Commander, who will delegate the command of the majority of the additional air assets to the division headquarters. In that connection, the aircraft would be located at the division headquarters in Kisangani/Kindu and at the brigade level. They would be used at both levels to deploy brigade reserves, carry out reconnaissance, gather information and provide fire support to deployed battalions.

97. In addition to air assets, the following force enablers would also be required: (a) a maritime surveillance unit for operations on the three Rift Valley lakes in support of information collection, monitoring of the arms embargo and border security; (b) one military communications unit, comprising six companies to provide mobile tactical communications to assist in more flexible and mobile reserve operations and for the brigade headquarters, divisional headquarters and MONUC force headquarters; (c) one special forces company to support collection of information and provide a reconnaissance and extraction back-up; and (d) one military police company to ensure force discipline and compliance with the United Nations code of conduct.

(f) Improving information management and command and control

98. The effectiveness of MONUC has suffered from the lack of established mechanisms for information management capable of providing detailed analysis to my Special Representative and the senior mission management. In that regard, there is an urgent need to establish a civilian-military joint mission analysis cell, established at all levels, capable of accurately analysing information, distinguishing real threats and anticipating crises before they occur. In addition, the establishment of a more responsive joint operations centre as the focus for crisis management and coordination of routine operations will be essential.

(g) Command and control

99. The additional troops, if authorized by the Security Council, will require a change in command and control arrangements. The force headquarters will remain in Kinshasa and its level of command will be raised to lieutenant-general, commensurate with the size and responsibilities of the force. Experience has shown

that it is impractical to command operations in the east directly from Kinshasa. This will be especially so given the additional recommended tasks and troops. Hence, an additional headquarters will be essential to ensure effective command and integration of efforts. In that connection, a division headquarters will be established in either Kisangani or Kindu and will be commanded at the level of major-general.

100. The division headquarters would command the four brigades (Ituri, North Kivu, South Kivu and Katanga/Kasais). The structure of the force headquarters in Kinshasa is being rationalized and adjusted to perform effectively the role envisaged for it in the present report.

(h) The role of MONUC military observers

101. MONUC currently has 760 military observers, 191 of whom are employed as staff officers at the force and sector headquarters because of the lack of headquarters staff. That figure will be reassessed with a view to releasing more military observers from their duties as staff officers to cover the increasing number of tasks in relation to disarmament, demobilization and reintegration, disarmament, demobilization, repatriation, resettlement and reintegration and geographical spread of the Mission. Accordingly, no additional military observers will be required to support the revised military concept of operations. The tasks of the military observers will be to gather information, in particular on the activities of the factions, to monitor and report on the arms embargo, carry out liaison with the community, conduct observation, assist with the disarmament, demobilization and reintegration, disarmament, demobilization, repatriation, resettlement and reintegration and disarmament and community reinsertion processes, and liaise with the FARDC.

6. Summary of military requirements

102. In summary, the above concept of operations requires the following additional elements:

(a) *Ituri*. Addition of one reserve company (150);

(b) *North Kivu and South Kivu*. Four additional battalions (3,550) to form two brigades;

(c) *Katanga/Kasais*. One brigade of four battalions (3,500);

(d) *Ituri/Kivus/Katanga/Kasais*. A division headquarters, including a reserve battalion (950);

(e) *Kinshasa*. Three additional battalions, including a reserve (2,550), engineers (50) and two gendarmerie units (200);

(f) *Force enablers*. Additional air assets (750), a lake surveillance unit (300), a military communications unit (760), one company of special forces (100), additional medical capability (140) and military police (100).

Thus, an additional 13,100 military personnel would be required and the total strength of the Mission would then be brought up to 23,900.

Civilian police mandate

103. The establishment of the Congolese national police force remains a key goal of the transition. Once the Transitional Government demonstrates the necessary political will to advance the police reform agenda, MONUC could assist in the following areas:

(a) Technical and planning expertise for the formulation of a five-year plan for comprehensive restructuring and reform of the internal security sector. This would commence with the national police strategy and planning seminar that would establish a joint commission for police reform comprising the Transitional Government, MONUC and interested donors. MONUC would create a police reform support cell at MONUC headquarters (6 officers) and would deploy a senior civilian police officer to work with the police administration in each of the 11 provinces (11 officers);

(b) Contribution to the preparation and implementation of a national security plan for elections through advising, training and mentoring of some 6,000 police, including 25 companies of *police d'intervention rapide* (3,000 officers), for deployment in strategic cities and 3,000 officers from the police nationale congolaise, Direction générale des migrations and Police judiciaire des parquets throughout the country. This would require some 220 civilian police officers to be deployed in regional police stations, in addition to 35 specialist trainers, 21 advisers on information and situational analysis, 50 officers to support units of *police d'intervention rapide* and 15 officers to assist in operation rooms (a total of 341 officers);

(c) Contribution to the maintenance of order in strategic areas through active monitoring and mentoring of local police units such as the integrated police unit in Kinshasa (74 officers) and the new police forces in Ituri (43 officers). Together with the necessary headquarters and support staff (32 officers), this would require an increase in MONUC civilian police strength to 507 officers.

104. It is envisaged that the MONUC civilian police would conduct its work in three phases. In the pre-electoral phase, of approximately eight months, the primary goals of which will be to prepare and begin to implement the five-year national police reform plan, while initiating training of some 6,000 local police for elections preparedness. In the electoral phase, of approximately four months, MONUC civilian police would provide additional on-the-ground training as well as on-the-job monitoring and mentoring. In the third, post-electoral phase, of six months, MONUC would continue to support local police crowd-management units; train additional police reserve units and units of *police d'intervention rapide* and increase its focus on border control activities, while preparing to hand over its expertise and knowledge of the continued support required for the full implementation of the five-year police reform programme.

V. Financial aspects

105. In its resolution 58/259 B of 18 June 2004, the General Assembly appropriated for MONUC for the financial period from 1 July 2004 to 30 June 2005 an amount of $709,123,200. Resources approved by the Assembly for the Mission provide for its maintenance based on the concept of operations and authorized troop and civilian

police strength approved by the Council in its resolution 1493 (2003). I shall inform the Council of the financial implications arising from the proposed revised concept of operations of MONUC and the increased troop and civilian police strength in an addendum to the present report to be issued shortly.

106. As at 31 July 2004, unpaid assessed contributions to the MONUC special account amounted to $78 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $2,478.7 million.

107. Since its establishment in October 1999, the trust fund to support the peace process in the Democratic Republic of the Congo has received voluntary contributions amounting to $1.4 million with expenditure to date of $0.9 million. With regard to the trust fund to support the Ituri Interim Administration, established in July 2003, expenditure against voluntary contributions of $0.35 million amounted to $0.32 million.

VI. Observations and recommendations

108. Following the endorsement of the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo in April 2003, I presented recommendations to the Security Council on the role that MONUC could play in assisting the Government to fulfil its transitional agenda (see S/2003/566 and Corr.1). I stressed, at the time, that the magnitude of the challenges in the Democratic Republic of the Congo should not be underestimated. The country was still divided, military hostilities were continuing in the east, the population was traumatized by years of conflict, the country was poverty-stricken and state services and infrastructure were non-existent. In examining progress in the Democratic Republic of the Congo, it should also be remembered that the country has suffered from four decades of corrupt governance and has never enjoyed true democracy.

109. The developments of the past year should be viewed from the perspective of the starting point just one year ago. Progress has been made with the installation of the Transitional Government, which is making significant efforts to achieve unity. There is a great deal of hope among the Congolese; their anger about the events in Bukavu demonstrates their deep desire for peace, democracy and national reconciliation. Significant efforts are being made to rebuild the country's social services, administration and infrastructure. Much has been achieved over the past year and the Congolese people, their leaders and those Member States and multilateral agencies which have provided support to the Democratic Republic of the Congo deserve to be congratulated for it.

110. At the same time, as the events of the past few months have demonstrated, if the political process does not move forward, it will run off track and risk collapse. We must not allow the progress made so far to be lost. This calls for a renewed commitment by the Transitional Government, the Security Council and the international community to work in full partnership to see the transitional process through to the elections scheduled for 2005. Elections, of course, are not the end game, but they will mark a significant turning point in the history of the Democratic Republic of the Congo and put the country on the path to democracy and economic and social development.

111. While the challenges facing the Transitional Government are understandably significant, much is expected of it. For a long time, the Congolese people have suffered from most horrific human rights abuses, which have been perpetrated with impunity. This issue has been at the core of the conflict and remains a major challenge to the transitional process, including with regard to the integration of the armed forces. I urge the Transitional Government to address this issue with the seriousness it deserves and to take up, with MONUC and other concerned organizations, all instances of human rights abuses, in particular those perpetrated by members of the Transitional Government and the FARDC.

112. In the present report, I have presented my considered views on the main challenges to the transition and the critical aspects of the transitional agenda that must be addressed in order to strengthen the political process and move it towards free and fair elections. The role recommended for MONUC reflects this critical path. I call on the Security Council to endorse it and on the Transitional Government to implement it.

113. It has long been recognized that relations between the countries of the Great Lakes region is an essential factor in the stability of the Democratic Republic of the Congo. The Democratic Republic of the Congo, Rwanda and Uganda have been consistently encouraged by the United Nations, the Security Council and bilateral partners to establish good-neighbourly relations. While each has expressed its willingness to do so, their relationship remains strained. The Transitional Government continues to accuse the Government of Rwanda of providing military support to individual actors in the east, while the Government of Rwanda continues to maintain that the Transitional Government is providing military support to ex-FAR/Interahamwe elements. Moreover, it is felt that the Government of Uganda could do more to stem the flow of arms and bring about a peaceful settlement to the ongoing crisis in Ituri.

114. Stability will allow the Democratic Republic of the Congo, a country endowed with huge natural resources, to pursue a path of strong economic development. The current situation suggests that certain Congolese and regional elements would not like to see this happen, as the legitimate exploitation of the country's natural resources would limit the illegal wealth generated by unstable conditions.

115. The Governments of the Democratic Republic of the Congo, Rwanda and Uganda must make concrete progress to ensure that the flow of arms across their borders is brought to an end; to settle the question of the foreign armed groups, in particular the ex-FAR/Interahamwe; and to legitimize the exploitation of natural resources. The Joint Verification Mechanism discussed with the parties during my meeting with them in Addis Ababa on 6 July 2004 is one means of achieving that end. Establishing normal bilateral relations, with the exchange of ambassadors, is another.

116. The steps outlined above are not difficult to take, if there is the political will to do so. In that connection, I am concerned at inflammatory statements by some officials on all sides, as well as the signs that some political figures may use the current mistrust, whether there are grounds for it or not, in pursuit of their own domestic agenda. I call on the Heads of State of the Democratic Republic of the Congo, Rwanda and Uganda to rise above such narrow interests and to demonstrate leadership by taking the specific steps necessary to strengthen their bilateral

relations. I also call on those countries with the capacity to do so to continue to press them in that direction.

117. In view of the commitment made by the Governments of the Democratic Republic of the Congo and Rwanda on 27 November 2003, it is my intention to share with the Security Council by the end of October 2004 my assessment of the implementation of that commitment and of the continued threat posed by ex-FAR/Interahamwe forces in the Democratic Republic of the Congo to the security of Rwanda and the peaceful holding of elections in the Democratic Republic of the Congo.

118. As demonstrated by the analysis provided in the present report, MONUC and the Secretariat have reflected carefully on the implications of entrusting a mandate under Chapter VII of the Charter to a peacekeeping mission in a country the size of the Democratic Republic of the Congo and with the challenges it faces. The recommendations presented in the present report are based on the primary objective of finding the most effective means by which the United Nations can assist the Transitional Government in creating the environment required to implement the peace process.

119. The expectations among the Congolese people, and some international observers, of the role MONUC can play under a Chapter VII mandate far outweigh what any external partner could ever do to assist a peace process. In that connection, all concerned must be clear about one thing: MONUC cannot implement the transitional process on behalf of the Transitional Government, it can only assist. Likewise, MONUC cannot create stability; it can only assist the Transitional Government in doing so. MONUC could, however, assist the process by mobilizing the resources necessary to deter spoilers from derailing the transition.

120. I therefore recommend that the Security Council consider increasing the current military strength of MONUC of 10,800 all ranks by an additional 13,100, thus bringing the Mission's authorized strength to 23,900, including five brigades, 230 headquarters personnel, 760 military observers and the required enabling units. I also recommend that the Council approve the expansion of the mandate of the Mission's civilian police component along the lines of paragraphs 103 and 104, which would increase the strength of the component to 507 personnel, including the current 140 civilian police officers.

121. The implementation of the Mission's revised military tasks will require the addition of formed and enabling units. It would be essential to improve its information-gathering and analysis capacity in order to better understand the threats and risks in the country. In that connection, countries from the developing world have been providing most of the Mission's military assets since its inception, some of whom have expressed their willingness to make further contributions to MONUC. I applaud them for all they have done for MONUC and other United Nations peacekeeping operations. The Security Council should not rely only on troop contributors from developing countries, however. Other troop-contributing countries must also play an active role in assisting the Congolese peace process and I call on them to seriously consider the invaluable assistance they can provide to peace in the Democratic Republic of the Congo.

122. The transitional process in the Democratic Republic of the Congo is at a critical juncture. Ultimately, the road ahead will depend on the political will of the transitional leaders. If they show the determination to move the process forward, much progress can be made. If they remain intransigent, they risk losing all the gains made to date and sinking the country, if not the region, into war. It is up to them to decide the fate of the Democratic Republic of the Congo and, in fact, of the entire region of the Great Lakes. I call on them to take advantage of the progress made to date and of the goodwill of the international community to assist them to put aside their personnel interests and fears and do what has to be done to put the Democratic Republic of the Congo on the road to peace, reconciliation and development.

123. In closing, I would like to express my admiration and deep gratitude to the women and men of MONUC, who have continued to demonstrate courage and dedication, in particular during the recent trying months, in their efforts to assist the Congolese people bring peace to their country.

Annex I

Update on other aspects of the activities of the United Nations Organization Mission in the Democratic Republic of the Congo

Human rights

1. During the period under review, the human rights situation in the Democratic Republic of the Congo remained of deep concern. Regular Democratic Republic of the Congo military troops and armed groups continued to be the main perpetrators of human rights abuses, frequently turning to criminal activities to assure their livelihoods. The United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) investigated over a dozen cases of intimidation, arbitrary detention and/or ill-treatment of MONUC disarmament, demobilization, repatriation, resettlement or reintegration workers, political or military opponents, local administrators, traditional leaders and human rights defenders.

2. Because of the lack of effective military integration and extension of state authority, most armed groups retain influence over key areas such as security and the judiciary. The Democratic Republic of the Congo security services in particular, which continue to operate outside the purview of the justice system, have been responsible for numerous cases of arbitrary arrests. In the east, some military groups continued to detain civilians unlawfully and to run numerous illegal detention centres, including underground cells where detainees were held in inhuman conditions. On 3 August, troops belonging to the South Kivu military region arbitrarily arrested and detained a MONUC soldier. He was released the following day, after having been subjected to acts of humiliation and harassment.

3. In Equateur Province, MONUC investigated a case of mass rape perpetrated by ex-Mouvement de libération du Congo (MLC) troops belonging to the Forces armées de la République démocratique du Congo (FARDC) battalion in the villages of Songo Mboyo and Bogándanga on 21 December 2003. The investigation was conducted in April 2004, when information about the incident became available. The investigations found that the soldiers gang-raped approximately 120 women and girls and looted every household in the two villages. The investigation concluded that the soldiers had carried out the rape and pillaging as a mutiny against their commander, whom they suspected of pocketing part of their salary. Although MONUC brought the incident to the attention of the Transitional Government, there has been no specific result thus far.

4. Elsewhere in the country, in the Kabongo territory of northern Katanga, the Mayi-Mayi, FARDC and Forces d'autodéfense populaire (FAP) allegedly committed around 80 unlawful killings of civilians and committed widespread rape, looting and abduction between March and May. In the Kivus, sporadic clashes between the FARDC, dissident forces formerly of the Rassemblement congolais pour la démocratie-Goma, Mayi-Mayi groups and Interahamwe resulted in unlawful killings, looting, rape and harassment. In Ituri, Ngiti militias in Kasenyi and Tchomia also reportedly abducted more than 100 people in June, with others targeted for execution. Since June 2003, 48 civilians have reportedly been executed, with allegations of beheading and mutilations. Some are reportedly forced to labour

for the militias by either fishing or working the land, while women are used as sex slaves. Those abducted belong to various ethnic groups, but accounts from escapees confirmed previous reports that only members of the Hema/Gegere ethnic group were executed. Allegedly, some 134 fishermen had disappeared, been enslaved or executed by Ngiti militias.

Rule of law

5. MONUC, United Nations bodies and international donors are undertaking various activities, including providing support for Ituri justice mechanisms. Progress has been slow, however, with the lack of a clear, coordinated strategy to ensure the effective engagement of the Transitional Government in the rule of law. To enhance coordination, MONUC will establish a rule of law task force, including United Nations bodies and other international partners, and a rule of law database to ensure tracking of international efforts. MONUC will also work with a national rule of law advisory group of around 12 members, including a cross-section of the Congolese population.

Humanitarian situation

6. Recent political and military developments in Bukavu have greatly undermined efforts by the humanitarian community to improve conditions in many parts in the Democratic Republic of the Congo, affecting in particular many offices throughout the east. Most humanitarian agencies have suspended their activities, while others have left areas where they felt unsafe. Most of the humanitarian actors returned cautiously to their duty stations following the crisis. To enable humanitarian actors to operate in a very volatile environment, the humanitarian community has developed a common framework, which underlines the mechanisms to be implemented in order to operate while assessing and managing risks. However, confidence among humanitarian actors that they will not be harmed is low, given attacks against two international non-governmental organization staff in Bukavu and a number of kidnappings in South Kivu.

7. At the height of the tensions in Bukavu, as many as 35,000 people were displaced, primarily along the borders with Burundi and Rwanda adding to the more than 3.4 million internally displaced persons present in the Democratic Republic of the Congo and provoking new refugee flows. Approximately 2,200 Banyamulenge crossed the border and sought refuge in Cyangugu, Rwanda. Owing to the decision by the Government of Rwanda to temporarily close the border with the Democratic Republic of the Congo, efforts to assist them were hindered. A further 25,000 Congolese fled into Burundi, but there have been some spontaneous returns and an estimated 17,000 now remain in that country.

8. On 2 April, MONUC launched a medical barge with support from the Office for the Coordination of Humanitarian Affairs of the Secretariat, the United Nations Children's Fund (UNICEF), the World Food Programme, the Food and Agriculture Organization of the United Nations, the World Health Organization, Caritas and the Ministry of Health of the Democratic Republic of the Congo. For one month, the barge transported MONUC medical and humanitarian personnel, medical supplies and other humanitarian items along the Congo and Tshuapa rivers to underserved health zones, the first time in over 20 years that substantial direct medical support

had been delivered to riverside communities. Through its joint proposal with the International Rescue Committee to launch 10 humanitarian trains to carry relief supplies to previously inaccessible areas, MONUC has also supplemented the work of the Office for the Coordination of Humanitarian Affairs on the reopening of the Lubumbashi-Kindu and Ubundu-Kisangani railway lines.

Children associated with armed groups

9. Between January and June 2004, more than 800 children were released from armed forces and groups and MONUC supported many of the releases through advocacy and liaison with child protection partners. On 19 May, after a considerable delay, the Transitional Government issued instructions to military regional commanders to provide certificates to the children being released from armed groups confirming their transfer to civilian life. While the National Commission for Disarmament, Demobilization and Reintegration is playing an active role, releases still depend on the willingness of local and regional military commanders to collaborate. Releases were at times hampered because of the absence of structures to receive the children, though those structures are gradually being put in place and emergency responses were organized in Kalemie in June to take in almost 200 children who had been abruptly released.

10. Human and financial resources for large-scale disarmament, demobilization and reintegration are still inadequate, especially with regard to reintegration programmes for children. In addition, several non-governmental organizations dealing with children associated with armed groups suffered setbacks during large-scale pillaging of international non-governmental organizations in June. Renewed reports were received of the recruitment/re-recruitment of children by armed groups principally in Ituri and in the Kivus. With thousands of children still present in armed groups, there are serious concerns that they will be used again should further hostilities erupt.

Gender issues

11. While the Transitional Government has relatively few women in decision-making positions, debates in the Parliament, however, as well as in the media and among civil society, indicate growing gender sensitivity. Following the National Campaign on Sexual Violence, MONUC facilitated a mission to Bunia and Mahagi with the Ministers for Human Rights and for Women and the Family. During a meeting with the former Ituri administration, the issue of sexual violence in Mahagi was discussed. At the same time, insecurity in various provinces has continued to have an adverse effect on women, as they are often the target of violence.

Quick-impact projects

12. Eighty-nine quick-impact projects have been approved and are at various stages of implementation. In Mbandaka, Kalemie, Kananga and Mbuji-Mayi, such projects are being used to address sexual violence against women through the establishment of local networks dealing with prevention activities and providing emergency medical care for victims. Various schools and health facilities, road

segments, bridges and electricity supply systems have also been rehabilitated, improving access to basic social services. In Kananga and Mbuji-Mayi, activities aimed at promoting human rights, good governance and freedom of expression during the transition period will be supported through the organization of round tables.

Mine action

13. During the reporting period, the draft law on the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction[a] was approved by the Council of Ministers, but has yet to be adopted by Parliament. In the meantime, the Transitional Government has failed to declare its stockpiles and the placement of anti-personnel mines, despite a requirement to do so. The deadline for the destruction of all stockpiled anti-personnel landmines is 1 November 2006. The United Nations mine action coordination centres, which supports the Mission's mine action activities, has subcontracted several non-governmental organizations to undertake demining activities. MONUC is providing logistical and substantive support for their activities. It has also destroyed several pieces of unexploded ordnance that were found at different locations in South Kivu.

Public information

14. MONUC Public Information continues to support the Mission's key operations. An awareness-raising campaign in support of national disarmament, demobilization and reintegration is being developed and MONUC will work closely with the National Commission for Disarmament, Demobilization and Reintegration once its work programme has been finalized. Radio Okapi currently has 21 transmitters covering the most populated areas of the country and remains one of the few neutral sources of information. It has extended coverage of the Kivus to reach more remote areas.

Logistics and support

15. The deployment of the Kivu brigade and the completion of the deployment of the Ituri brigade still require the development of surface access routes for the resupply of food and fuel. Work is thus ongoing to rehabilitate major roads and bridges within the territory. However, a great deal of work remains and the Mission still relies heavily on resupply of troop locations by air. This fact, coupled with the poor airfield infrastructure and air traffic control in the Democratic Republic of the Congo, continues to present challenges for support operations and concerns for air safety. Future road rehabilitation projects include the upgrade of the Bukavu-Uvira road, continued work on the Bunia-Beni road and repairs on the Iga Barrière-Fataki and Mahagi-Kwandroma roads.

16. In addition to the rehabilitation of surface routes, the Mission has initiated the procurement process for airfield repair projects at several key airports in the Democratic Republic of the Congo, including Bunia, Goma, Bukavu and Kalemie.

At the same time, the Mission's fuel needs in Ituri are now met from Entebbe, Uganda, for a lower fuel price and a reduced distance for airlift.

Economic conditions

17. In the *Human Development Report 2003* of the United Nations Development Programme, the Democratic Republic of the Congo ranked 167 out of 175 on the human development index. However, noticeable efforts are being geared towards fiscal improvement, while exchange rates for the franc have remained largely stable. The growth rate of the private sector, however, remains small.

18. As a follow-up meeting of the consultative group of donors that met in Paris in December 2003, the Transitional Government and the World Bank organized another meeting in Kinshasa on 3 and 4 June. The Transitional Government submitted its Minimum Partnership Programme for Transition and Recovery. It is intended to serve as the Democratic Republic of the Congo strategic economic framework over the next four years, pending finalization of the poverty alleviation strategic document in 2005, which will cost an estimated $6.865 billion. At the meeting, donors pledged their support for the transition process, despite the violent demonstrations taking place in Kinshasa and other parts of the country at the time. Of the $1.048 billion pledged in Paris for 2004, $547.98 million have been disbursed.

Exploitation of natural resources

19. MONUC continues to receive unconfirmed reports concerning the illegal exploitation of natural resources and other forms of wealth, often in connection with the purchase of weapons by armed groups. In general, such exploitation activities also undermine progress towards economic reunification. The proposed joint verification mechanisms along the borders of the Democratic Republic of the Congo with Rwanda and Uganda, to be established with MONUC assistance, are one of several frameworks in which the capacity of the Transitional Government to effectively control its national borders could be enhanced.

20. In accordance with the resolutions adopted at the Inter-Congolese Dialogue, the Parliament of the Democratic Republic of the Congo has established a Commission of Inquiry into contracts and conventions signed during the conflict. The Commission of 17 members is receiving World Bank support in carrying out its work and MONUC is also providing logistical assistance to help it conduct its investigations. It is important that the international community provide additional support to the work of the Commission to encourage the development of the regulatory framework aimed at stopping the illegal exploitation of natural resources and guaranteeing investor confidence in the possibility of doing legitimate business in the country. The work of the Commission of Inquiry is pivotal in the transition from a war economy to one based on good governance.

Notes

[a] United Nations, *Treaty Series*, vol. 2056, No. 35597.

Annex II

United Nations Organization Mission in the Democratic Republic of the Congo: military and civilian police strength

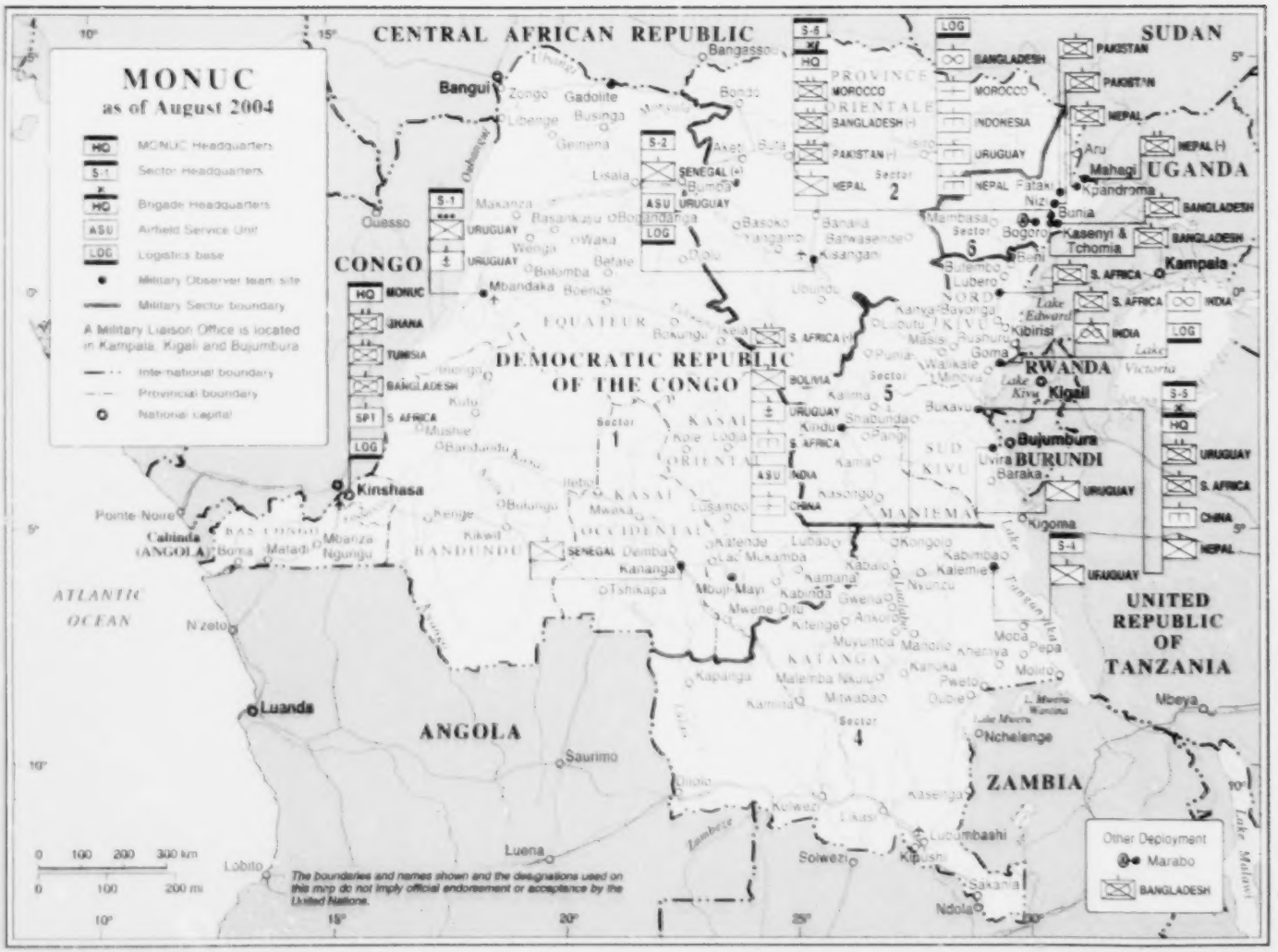
(as at August 2004)

	Military component				
Country	*Military observers*	*Staff officers*	*Troops*	*Total*	*Police officers*
Algeria	11			11	
Argentina				0	2
Bangladesh	16	7	1 303	1 326	
Belgium		5		5	
Benin	25	1		26	15
Bolivia	4	3	200	207	
Bosnia and Herzegovina	5			5	
Burkina Faso	12			12	8
Cameroon	4	1		5	4
Canada		8		8	
China	10	2	218	230	
Côte d'Ivoire				0	8
Czech Republic	5			5	
Denmark		2		2	
Egypt	13	15		28	
France	1	4	3	8	15
Ghana	22	2	461	485	
Guinea				0	2
India	33	11	330	374[a]	
Indonesia	9	4	175	188	
Ireland	2	1		3	
Jordan	24	6		30	5
Kenya	29	8	6	43	
Malawi	21			21	
Malaysia	8	12		20	
Mali	27	1		28	17
Mongolia	2			2	
Morocco	1	3	801	805	4
Mozambique	2			2	
Nepal	18	2	1 223	1 243	
Niger	18	1		19	18
Nigeria	28	5		33	4
Pakistan	25	17	1 050	1 092	

Country	Military component				Police officers
	Military observers	Staff officers	Troops	Total	
Paraguay	20			20	
Peru	5			5	
Poland	3			3	
Portugal				0	6
Romania	27			27	1
Russian Federation	27	1		28	5
Senegal	11	10	459	480	14
Serbia and Montenegro			6	6	
South Africa	2	11	1 258	1 271[b]	
Spain	2	1		3	
Sri Lanka	2			2	
Sweden	4	3		7	4
Switzerland		2		2	
Tunisia	27	5	465	497	
Turkey				0	9
Ukraine	15	1		16	1
United Kingdom		5		5	
Uruguay	27	22	1 776	1 825	
Zambia	17	5		22	
Total	**564**	**187**	**9 734**	**10 485**	**143**

[a] A 120-man Indian air service unit is to be deployed soon to Kindu to replace the Swedish air service unit that left in June 2004.

[b] The South African contribution in the field is currently short of 165 troops compared with the memorandum of understanding figures.



Map No. 4121 Rev. 21 UNITED NATIONS
August 2004

Department of Peacekeeping Operations
Cartographic Section

United Nations A/58/872–S/2004/651

General Assembly
Security Council

Distr.: General
16 August 2004

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General Assembly
Fifty-eighth session
Agenda item 37
The situation in the Middle East

Security Council
Fifty-ninth year

Letter dated 16 August 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith a summary of Israeli violations and acts of aggression against Lebanon.

These grave violations are part of a series of persistent and provocative Israeli violations of Lebanese territory, including by air, sea and land, and go against the principles of international law, the resolutions of international legitimacy and your repeated calls for their cessation.

In view of these violations and the stepping up of Israeli threats to Lebanon and the safety of its territory and its citizens, Lebanon calls upon the United Nations to deter and prevent Israel from committing such dangerous acts, which pose a threat to international security and peace. Lebanon places upon Israel full responsibility for any consequences to which those acts may give rise.

In drawing your attention to the gravity and possible consequences of such acts, I request to have this letter of complaint and its annex circulated as a document of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Ibrahim **Assaf**
Chargé d'affaires, a.i.

04-46123 (E) 160804

Annex to the letter dated 16 August 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

Israeli violations of Security Council resolution 425 (1978) during the period from 22 July to 10 August 2004

22 July 2004

At 0215 and 0930 hours, an Israeli gunboat in Lebanese territorial waters facing Ra's Naqoura fired several bursts of medium machine-gun fire on the open sea.

23 July 2004

At 0530 hours, an Israeli gunboat in Lebanese territorial waters facing Ra's Naqoura fired several bursts of medium machine-gun fire on the open sea.

24 July 2004

At 1035 hours, Israeli occupation forces positioned in Tallet El Radar inside Chebaa farms fired several bursts of medium machine-gun fire at the areas surrounding their position

At 0430 hours, an Israeli gunboat in Lebanese territorial water facing Ra's Naqoura fired a flare shell and at 1325 hours fired several bursts of medium machine-gun fire on the open sea.

25 July 2004

At 2204 hours, an Israeli gunboat in Lebanese territorial waters facing Ra's Naqoura fired two flare shells on the open sea.

26 July 2004

At 2024 hours, an Israeli gunboat in Lebanese territorial waters facing Ra's Naqoura fired two flare shells on the open sea.

27 July 2004

At 1835 hours and between 2340 and 2345 hours, Israeli occupation forces positioned in Tallet El Radar inside Chebaa farms fired several bursts of medium machine-gun fire at the areas surrounding their position.

At 2129 hours, an Israeli gunboat in Lebanese territorial waters facing Ra's Naqoura fired several bursts of medium machine-gun fire on the open sea.

29 July 2004

At 1800 hours, Israeli occupation forces positioned in Tallet El Radar inside Chebaa farms fired several bursts of medium machine-gun fire at the areas surrounding their position.

5 August 2004

Between 1315 and 1400 hours and between 2110 and 2140 hours, Israeli warplanes violated the Lebanese airspace at different altitudes over Chebaa farms.

8 August 2004

Between 0840 and 1255 hours, an Israeli drone plane violated Lebanese airspace at a medium altitude and entered from above the sea facing Tyre, headed east and flew in a circular motion over Marakeh.

Between 2120 and 2135 hours, Israeli occupation forces positioned in Chebaa farms fired three flare shells over the liberated Lebanese territory facing the farms.

9 August 2004

Between 1505 and 1715 hours, an Israeli drone plane violated Lebanese airspace at a medium altitude and entered from above the sea facing Sarafand, headed east and flew in a circular motion over Nabatie and Adloun.

10 August 2004

Between 1300 and 1330 hours, two Israeli warplanes violated Lebanese airspace at different altitudes and entered from above Marjayoun headed north and flew in a circular motion over Marjayoun-Hamana, Chekaa and Tyre and then flew over Marjayoun-Jezzine-Saida, Naqoura and Bentjbeil.

United Nations S/2004/652

Security Council

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16 August 2004

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Letter dated 16 August 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit the attached communiqué which was issued by the Government of Rwanda on 14 August 2004, concerning the massacre of more than 150 Banyamulenge refugees in Burundi (see annex).

We request that the present letter and the communiqué be circulated to all members of the Security Council as a document of the Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

04-46147 (E) 170804

Annex to the letter dated 16 August 2004 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

14 August 2004

The Government of Rwanda is shocked and horrified to learn of a massacre of more than 150 Banyamulenge at the refugee camp of Katumba, in Burundi, which occurred on the night of 13 August 2004.

Information available to the Government of the Republic of Rwanda indicates that this despicable act was perpetrated by a combined force of ex-FAR/Interahamwe (FDLR/FOCA) and Mayi-Mayi from the Democratic Republic of the Congo, in cooperation with elements of FNL/PALIPEHUTU.

The Government of the Republic of Rwanda wishes to remind the international community that during and following the May/June 2004 events in Bukavu, Banyamulenge refugees in Rwanda and Burundi have consistently affirmed that they fled targeted and systematic massacres against them by armed forces of the Democratic Republic of the Congo under the command of Mbuza Mabe, acting in concert with the ex-FAR/Interahamwe.

To our surprise, MONUC, which is supposed to be the eyes, ears and voice of the international community in the region, claims to have seen no evidence of targeted massacres of this community. We believe that the latest massacre at Katumba lays this feeble lie to rest.

The Government of Rwanda strongly condemns this recent targeted massacre of Banyamulenge which is a result of the genocidal ideology that currently holds sway in our region, nurtured and propagated by ex-FAR/Interahamwe forces and those in the region and the wider international community who give them assistance and succour.

The Government of Rwanda is gravely disturbed that for the last 10 years the international community has consistently refused to disarm the ex-FAR/Interahamwe, the force that committed genocide in Rwanda, or to take any other decisive action against them. Despite numerous United Nations Security Council resolutions expressly forbidding any Member State from providing military, political and diplomatic support to these genocidal forces, some members of the international community have consistently continued to extend support to them.

Although MONUC regularly meets the leadership of ex-FAR/Interahamwe and is fully aware of the location, strength, and movements of this genocidal force around and across the borders between the Democratic Republic of the Congo and Rwanda and Burundi, it has never intervened to foil attacks on Rwanda or Burundi or even warned these two countries of impending attacks. This failure to act has had devastating consequences for innocent civilians in these two countries. In addition to this, MONUC and the tenth military region of the Democratic Republic of the Congo have recently observed and/or facilitated the return to their mother units of genocidal forces fleeing military operations carried out by Burundi armed forces.

The Government of Rwanda once again calls upon the international community to take action against this incipient ethnic cleansing now taking root in the region and especially in the eastern Democratic Republic of the Congo. We also reiterate our demand for the forcible disarmament, demobilization and repatriation

of the ex-FAR/Interahamwe now deployed along Rwanda's border and in many cases co-located with armed forces of the Democratic Republic of the Congo; failure to do so may force Rwanda to take appropriate measures in self-defence. Rwanda is not prepared to accept or tolerate the status quo.

United Nations A/59/273–S/2004/653

General Assembly
Security Council

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17 August 2004

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General Assembly
Fifty-ninth session
Item 57 (n) of the provisional agenda*
Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization for Security and Cooperation in Europe

Security Council
Fifty-ninth year

Letter dated 17 August 2004 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

I have the honour to write to you with regard to the letter from the Permanent Representative of Azerbaijan dated 5 August 2004 and its annex concerning the military exercise in Nagorno Karabakh, which were circulated as a document of the fifty-ninth session of the General Assembly, under item 57 (n) of its provisional agenda, and as a document of the Security Council (A/59/212-S/2004/626).

The Government of Armenia considers this document as yet another attempt of Azerbaijan to divert the attention of the international community from its unconstructive stance in the negotiations within the framework of the OSCE Minsk Group to achieve a peaceful resolution of the Nagorno Karabakh conflict. In reality, Azerbaijan's true intentions are clearly manifested in the intensifying unhidden war-mongering by Azerbaijani high-ranking officials, which, in fact, has been affirmed at the highest level — by the President of that country, in his address to the diplomatic corps on 27 July 2004.

Having been subjected to the full-scale military aggression of Azerbaijan in 1991-1994, the people of Nagorno Karabakh cannot disregard these belligerent calls. The military exercise is a necessary measure by the authorities of Nagorno Karabakh to ensure preparedness to protect their people and homeland against the increasing threat of resumption of military hostilities by Azerbaijan. It does not adversely affect peace negotiations, neither does it legitimize the current status.

It is Armenia's strong conviction that there is no meaningful alternative to the peaceful resolution of the Nagorno Karabakh conflict through negotiations, and we are committed to exert every effort to this end. I should also like to call on the Azerbaijani authorities to engage constructively and pragmatically in the peace

* A/59/150.

04-46226 (E) 180804

process, in order to achieve a just, comprehensive and lasting solution to the Nagorno Karabakh conflict through mutual compromises.

I should be grateful if you would have the text of this letter circulated as a document of the fifty-ninth session of the General Assembly, under item 57 (n) of its provisional agenda, and as a document of the Security Council.

(*Signed*) Armen **Martirosyan**
Ambassador
Permanent Representative

United Nations S

Security Council

Distr.: General
18 August 2004

Original: English

Letter dated 17 August 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to convey the attached communication, dated 13 August 2004, which I received from the Secretary-General of the North Atlantic Treaty Organization (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-46351 (E) 200804

Annex

Letter dated 13 August 2004 from the Secretary-General of the North Atlantic Treaty Organization addressed to the Secretary-General

In accordance with Security Council resolution 1088 (1996), I attach the monthly report on SFOR operations for June 2004. I would appreciate your making this report available to the Security Council.

(*Signed*) Jaap de **Hoop Scheffer**

Enclosure

Monthly report to the United Nations on the operations of the Stabilization Force

1. This report covers the period from 1 to 30 June 2004.

2. As at 30 June 2004, the total strength of the Stabilization Force (SFOR) was 8,729, including 289 troops from non-NATO countries. In addition, there were 25 SFOR personnel posted in Croatia.

3. On 1 June 2004, SFOR multinational brigades were designated multinational task forces, in accordance with the restructuring of SFOR into a deterrent presence posture and associated downsizing of the forces engaged in the area of operations.

4. There was no change to the status of partner/non-NATO country contributions.

Istanbul Summit decisions

5. At the Istanbul Summit on 28 June 2004, NATO allies agreed to bring the SFOR mission to a successful conclusion by the end of the year. The leaders also welcomed the readiness of the European Union to deploy a new and distinct United Nations-mandated Chapter VII mission in the country, based on the Berlin plus arrangements agreed between NATO and the European Union. NATO leaders also agreed to establish a NATO headquarters at Sarajevo, with the principal task of providing advice on defence reform, and which will also undertake certain operational supporting tasks, such as counter-terrorism, while ensuring force protection; supporting the International Criminal Tribunal for the Former Yugoslavia, within means and capabilities, with regard to the detention of persons indicted for war crimes; and intelligence sharing with the European Union. The Secretary-General of NATO and the High Representative of the European Union for the Common Foreign and Security Policy met bilaterally to discuss the arrangements for implementing these decisions.

6. Although Bosnia and Herzegovina was extended an invitation to the Istanbul Summit as an observer and attended the Euro-Atlantic Partnership council events in that capacity, the country was not offered membership in the Alliance's Partnership for Peace, on account of the insufficient cooperation with the International Tribunal due in particular to obstructionist elements in the Republika Srpska.

Security

7. During the reporting period, Bosnia and Herzegovina remained stable and no serious incidents were reported.

8. There were no significant acts of violence directed against SFOR personnel during the reporting period.

Operational activities of SFOR

9. SFOR remained engaged in weapons collection and destruction and framework operations.

10. The results of weapons turned in or collected during the reporting period within the framework of Operation Harvest are as follows: rifles, pistols and

revolvers: 527; ammunition less than 20 mm: 52,182 rounds; ammunition between 20 mm and 76 mm: 35 rounds; ammunition more than 76 mm: 6 rounds; hand grenades: 1,185; mines: 101; explosives 37.45 kg; other items including mortars, mortar rounds, rifle grenades, handmade ordnance, rockets etc: 859.

11. In order to support the reduction of unserviceable and obsolete entity armed forces ammunition and reduce ammunition quantities in Bosnia and Herzegovina, SFOR has continued to conduct Operation Armadillo II. As at 30 June 2004, the total amount of ammunition of the Republika Srpska Army (VRS) destroyed was 1,585 tons.

12. In mid-June 2004, SFOR, in cooperation with the local police, began a Harvest operation in Bjeljina. SFOR and local police confiscated 74 pieces of light infantry weapons, 12,000 rounds of ammunition, 12 kg of explosives, 43 hand grenades, 1 anti-tank missile, 2 mines and 40 rifle grenades.

13. On 23 June 2004, the Republika Srpska Director of the Ministry of Internal Affairs Special Police (MUP) reported that they had found 100 bodies wrapped in plastic in two locations, a coke plant in Tuzla and a soda plant in Lukavac. On the same day, SFOR troops searched the two plants and discovered nothing.

14. On 14 June 2004, SFOR conducted an operation which was aimed at transferring custody of a former speaker of the Srpska Sarajevo Assembly, Bosnian-Serb Milovan Cicko Bjelica, apprehended outside a café in Sokolac, to the Sokolac area Republika Srpska MUP.

15. On 16 June 2004, SFOR conducted an unannounced inspection of the Banja Luka telecommunications building and the Republika Srpska MUP headquarters. Results are forthcoming.

16. On 25 June 2004, SFOR conducted a document exploitation operation in Pale. The operation was conducted mainly in the Serbian Democratic Party (SDS) executive building, the old SDS executive building, the Hotel Panorama, Liljana's Chalet and all the support buildings, to locate, seize and exploit documentation leading to the capture of Radovan Karadzic and to locate and exploit possible communication nodes associated with support to persons indicted for war crimes.

17. On 29 May 2004, detention teams from SFOR detained Jovo Simkic and Nikola Stjepanovic in their homes in Modriva. The two former VRS members were placed in custody for questioning in reference to six SA7 grip stocks found in their possession during a Harvest operation. On 19 June 2004, Nikola Stjepanovic was released by SFOR.

18. On 2 June 2004, in the town of Modrica, retired VRS Colonel Petar Milosevic was taken into custody by SFOR on suspicion of weapons smuggling.

19. On 1 June 2004, SFOR forwarded the results of the vetting process for general officer posts in the new combined armed forces of Bosnia and Herzegovina to the President's Office, and to the Bosnia and Herzegovina and Federation Defence Ministries.

20. On 9 June 2004, the Chairman of the Tri-Presidency, Sulejman Tihic, declared the candidates for the posts of generals in the joint institutions of Bosnia and Herzegovina.

Compliance by the parties

21. On 1 June 2004, in accordance with defence reforms, Republika Srpska adopted a new organizational structure for the military, controlled by a civilian-led Ministry of Defence. The new organization includes three combat-ready brigades, robust reserve components, training and logistics commands, and air and air defence assets. The proposed reorganization will reflect the smaller numbers of forces, leaving the division as the highest command reporting to the entity organizational Chief of Staff.

22. During the reporting period, entity armed forces have carried out normal training activities in compliance with the military provisions of the Dayton Peace Agreement.

23. There were a total of 261 entity armed forces training and operational activities (92 Republika Srpska Army and 169 Federation Army) and 216 movements (72 Republika Srpska Army and 144 Federation Army) conducted during the reporting period.

24. The summer demining cycle is now in full swing, with four demining cycles already completed this year. The weather has enabled most tasks to start as planned and the work is going well. The two components of the Federation Army have been fully compliant during the reporting period. The Republika Srpska Army still does not have the correct number of demining teams as per the instructions to the parties and a number of letters have been sent to VRS in relation to this issue.

25. There were a total of 47 weapons/ammunitions storage site inspections during the reporting period, 16 Republika Srpska Army and 31 Federation Army. One site was closed in May and another seven are pending closure.

United Nations S/2004/655

Security Council

Distr.: General
17 August 2004

Original: English

Letter dated 17 August 2004 from the Secretary-General addressed to the President of the Security Council

Pursuant to Security Council resolution 1244 (1999), I have the honour to convey the attached report on the international security presence in Kosovo covering the period from 31 May to 30 June 2004 (see annex).

I should be grateful if you would bring it to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

04-46360 (E) 190804

Annex

Monthly report to the United Nations on the operations of the Kosovo Force

1. This report covers the period from 31 May to 30 June 2004.

2. As at 30 June 2004, the total number of troops in theatre was 18,094, including 3,102 troops from non-NATO countries.

3. There was no change in the status of partner or non-NATO country contributions.

Security

4. The situation in Kosovo remains relatively calm but fragile. While tensions are low between Kosovo Albanians and Kosovo Serbs, the potential for a return of province-wide violence is still present.

5. During the month, the number of ethnically motivated incidents was relatively low, with nine reported incidents; the most significant was the murder of a young Kosovo Serb who was killed by gunfire in Gracanica on 5 June 2004.

6. The threat against the Kosovo Force (KFOR) remained low throughout the month.

7. There were 43 reported incidents related to drugs, weapons and smuggling activity in June 2004. This represents a 5 per cent increase from the previous month. Drugs and smuggling-related events are increasing while illegal weapons finds are decreasing.

8. KFOR continues operations to secure the theatre, avoid ethnic violence and protect patrimonial sites. KFOR remains vigilant to deter possible threats directed against international organizations and military bases.

Compliance by the Army of Serbia and Montenegro and the Ministry of Internal Affairs Special Forces

9. No breaches of the Military Technical Agreement were reported during June 2004.

Kosovo Protection Corps

10. The current membership of the Kosovo Protection Corps (KPC) is 2,995 active members including 151 minorities, of which 40 are Serbs. The reserve personnel establishment list includes 1,838 members, of which 17 are minorities.

11. On 29 June, a KPC-wide roll call was conducted and showed that the percentage of absence without permission had decreased, but not significantly. The results also showed that the number of individuals on leave, sick or absent for other reasons had increased to 25 per cent because of the annual leave period.

Political situation

12. The recent election of Boris Tadic as the new President of Serbia may lead to a softening of attitude, owing to his pro-Western stance, and this may have a significant impact on the future of Kosovo.

Conclusion

13. The overall situation within Kosovo continues to gradually improve but the situation remains unstable and the potential exists for an increase in criminal and inter-ethnic violence throughout the summer. High levels of smuggling activity are expected to continue throughout the summer months and KFOR continues its efforts to prevent these activities.

United Nations S/2004/656

Security Council

Distr.: General
18 August 2004

Original: English

Letter dated 17 August 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Nigeria to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union, I have the honour to transmit herewith the communiqué adopted by the Peace and Security Council of the African Union at its fifteenth meeting, held at Addis Ababa, Ethiopia, on 17 August 2004 (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Simeon A. **Adekanye**
Chargé d'affaires a.i.
Permanent Mission of Nigeria to the United Nations
Representative of the current Chairman of the African Union

04-46306 (E) 190804

Annex to the letter dated 17 August 2004 from the Chargé d'affaires a.i. of the Permanent Mission of Nigeria to the United Nations addressed to the President of the Security Council

[Original: English and French]

Communiqué of the fifteenth meeting of the Peace and Security Council

The Peace and Security Council (PSC) of the African Union (AU), at its fifteenth meeting held on 17 August 2004, adopted the following Communiqué on the situation in Burundi:

Council,

1. Strongly condemns the massacre of Congolese refugees of the Banyamulenge community, which occurred in Gatumba, Burundi, on the night of 13 August 2004, and expresses its condolences to all the bereaved families. Council urges that the perpetrators of this hideous act be identified and brought to justice without delay;

2. Expresses its support for the efforts of the United Nations to investigate and establish the facts on the Gatumba massacre, in accordance with the UN Security Council Presidential Statement of 15 August 2004;

3. Stresses the urgent need to establish the Joint DRC/Rwanda Verification Mechanism, in keeping with the spirit of the 27 November 2003 Declaration and on the basis of the commitments made in Abuja on 25 June 2004. In this respect, Council requests the Chairperson of the Commission to undertake the necessary consultations with the concerned Parties and the United Nations in order to speed-up the establishment of the Mechanism;

4. Recalls the decision taken at its 12th meeting, held on 4 July 2004, in which it requested the Chairperson of the Commission, pursuant to the communiqué of 21st Summit of the Regional Initiative, to examine the activities of the PALIPEHUTU/FNL in the light of the Constitutive Act of the African Union, the Convention on the Prevention and Combating of Terrorism, as well as other relevant Decisions and Instruments, and to submit to it appropriate recommendations on the measures that could be taken. Council also reiterates its appeal to all Member States to implement the decision of the 21st Summit of the Regional Initiative to impose, with immediate effect, restrictions on the movements of the leaders and members of the PALIPEHUTU/FNL;

5. Stresses the urgent need to neutralize the negative forces in the DRC and in the Great Lakes Region by taking steps to put an end to their criminal activities, and requests the Chairperson of the Commission to initiate without delay consultations with all the countries of the region, as well as with the United Nations and the other concerned actors, with a view to submitting to it proposals on the measures that should be taken to accomplish that objective;

6. Appeals to all the countries of the region to exercise restrain in their response to this latest massacre and to preserve in their efforts to consolidate peace and stability in the Region;

7. Decides to remain seized with the matter.